DOCUMENT RESUME

ED 136 136 CG 011 174

TITLE	Prohibition of Sex Discrimination, 1975. Hearings Before the Subcommittee on Education of the Committee on Labor and Public Welfare on S. 2106 to Amend Title IX of the Education Amendments of 1972. United States Senate, Ninety-Fourth Congress, First Session.
INSTITUTION	Congress of the U.S., Washington, D.C. Senate Committee on Labor and Public Welfare.
PUB DATE	76
NOTE	447p.; Hearings of September 16 and 18, 1975; Hard copy not available due to marginal legibility of original document
EDRS PRICE	MF-$0.83 Plus Postage. HC Not Available from EDRS.
DESCRIPTORS	*College Programs; *Constitutional Law; *Discriminatory Legislation; *Extramural Athletic Programs; Federal Government; Government Publications; *Sex Discrimination; *Womens Athletics
IDENTIFIERS	*Education Amendments 1972 Title IX

ABSTRACT

This government publication covers hearings regarding the amendment to Title IX on prohibition of sex discrimination, referred to as the "Tower Amendment" (Sept. 16-18, 1975). Testimoney by those interested in supporting and defeating this amendment is published in the form of papers, letters and signatures, and indicates the need for attention to women's right to equal opportunity in athletics/physical education. Arguments are proposed to emphasize the importance of meeting the minimum needs of both sexes before granting extra benefits to the "elite few" (men) in athletics. Special arguments pertain to the need for university wide efforts to extablish stable, non-gate receipt sources of financial support for all athletics. (SBP)

****
* Documents acquired by ERIC include many informal unpublished *
* materials not available from other sources. ERIC makes every effort *
* to obtain the best copy available. Nevertheless, items of marginal *
* reproducibility are often encountered and this affects the quality *
* of the microfiche and hardcopy reproductions ERIC makes available *
* via the ERIC Document Reproduction Service (EDRS). EDRS is not *
* responsible for the quality of the original document. Reproductions *
* supplied by EDRS are the best that can be made from the original. *
****

ED136136

PROHIBITION OF SEX DISCRIMINATION, 1975

BEST COPY AVAILABLE

HEARINGS

BEFORE THE

SUBCOMMITTEE ON EDUCATION

OF THE

COMMITTEE ON
LABOR AND PUBLIC WELFARE
UNITED STATES SENATE

NINETY-FOURTH CONGRESS

FIRST SESSION

ON

S. 2106

TO AMEND TITLE IX OF THE EDUCATION AMENDMENTS
OF 1972

SEPTEMBER 16 AND 18, 1975

U.S. DEPARTMENT OF HEALTH
EDUCATION & WELFARE
NATIONAL INSTITUTE OF
EDUCATION

[illegible]

Printed for the use of the Committee on Labor and Public Welfare

BEST COPY AVAILABLE

PROHIBITION OF SEX DISCRIMINATION, 1975

HEARINGS

BEFORE THE

SUBCOMMITTEE ON EDUCATION

OF THE

COMMITTEE ON

LABOR AND PUBLIC WELFARE

UNITED STATES SENATE

NINETY-FOURTH CONGRESS

FIRST SESSION

ON

S. 2106

TO AMEND TITLE IX OF THE EDUCATION AMENDMENTS OF 1972

SEPTEMBER 16 AND 18, 1975

Printed for the use of the Committee on Labor and Public Welfare

U.S. GOVERNMENT PRINTING OFFICE
64-223 O WASHINGTON : 1976

COMMITTEE ON LABOR AND PUBLIC WELFARE

HARRISON A. WILLIAMS, Jr., New Jersey, *Chairman*

JENNINGS RANDOLPH, West Virginia
CLAIBORNE PELL, Rhode Island
EDWARD M. KENNEDY, Massachusetts
GAYLORD NELSON, Wisconsin
WALTER F. MONDALE, Minnesota
THOMAS F. EAGLETON, Missouri
ALAN CRANSTON, California
WILLIAM D. HATHAWAY, Maine

JACOB K. JAVITS, New York
RICHARD S. SCHWEIKER, Pennsylvania
ROBERT TAFT, Jr., Ohio
J. GLENN BEALL, Jr., Maryland
ROBERT T. STAFFORD, Vermont
PAUL LAXALT, Nevada

Donald Elisburg, *General Counsel*
Marjorie M. Whittaker, *Chief Clerk*
Jay B. Cutler, *Minority Counsel*

Subcommittee on Education

CLAIBORNE PELL, Rhode Island, *Chairman*

JENNINGS RANDOLPH, West Virginia
HARRISON A. WILLIAMS, Jr., New Jersey
EDWARD M. KENNEDY, Massachusetts
WALTER F. MONDALE, Minnesota
THOMAS F. EAGLETON, Missouri
ALAN CRANSTON, California
WILLIAM D. HATHAWAY, Maine

J. GLENN BEALL, Jr., Maryland
JACOB K. JAVITS, New York
RICHARD S. SCHWEIKER, Pennsylvania
ROBERT TAFT, Jr., Ohio
ROBERT T. STAFFORD, Vermont

Stephen J. Wexler, *Counsel*
Gregory Fusco, *Minority Counsel*

CONTENTS

Text of: Page
S. 2106 — 2

Chronological List of Witnesses

TUESDAY, SEPTEMBER 16, 1975

Hruska, Hon. Roman L., a U.S. Senator from the State of Nebraska — 3
Fuzak, Dr. John A., president, National Collegiate Athletic Association; Stanley Marshall, secretary-treasurer, NCAA; Karol Kahrs, assistant athletic director, University of Illinois; Bill Ireland, director of athletics, University of Nevada at Las Vegas; Larry Albus, director of athletics, St. Louis University; Sue Jones, coordinator of women's athletics, St. Louis University; Ed Sherman, director of athletics, Muskingum College, New Concord, Ohio; Tom Hansen, assistant executive director, NCAA; Philip B. Brown and Michael Scott, legal counsel, NCAA, Washington, D.C., a panel — 21
Tate, Dr. Willis, chancellor, Southern Methodist University, Texas — 40
Bayh, Hon. Birch, a U.S. Senator from the State of Indiana — 46
Gilbert, Clarissa, president, National Student Association accompanied by Rick Marsden, speaker of Twin Cities Student Assembly, University of Minnesota; and Margy Duval, president, Intercollegiate Association of Women Students, accompanied by Margie Chapman, past president of laws, a panel — 49

THURSDAY, SEPTEMBER 18, 1975

Burke, Peggy, president-elect of AIAW, University of Iowa; Donna A. Lopiano, women's athletic director, University of Texas at Austin; Harry G. Fritz, dean of School of Health Education and director of athletics, State University of New York at Buffalo, also president of the National Association for Sport and Physical Education; Joseph B. Oxendine, dean of the College of Health, Physical Education, Recreation, and Dance, Temple University, a panel representing the Association of Intercollegiate Athletics for Women — 93
Scannell, Dr. Robert J., dean, College of Health, Physical Education, and Recreation, Pennsylvania State University, accompanied by Newton Cattell, director, Federal relations — 151
Kurzman, Hon. Stephen, Assistant Secretary for Legislation for the Department of Health, Education, and Welfare, accompanied by Peter E. Holmes, director, Office for Civil Rights, DHEW; Ms. Gwendoyln Gregory, director, Office of Policy Communications, Office for Civil Rights, DHEW; and St. John Barrett, Acting General Counsel, DHEW — 169

STATEMENTS

Association for Intercollegiate Athletics for Women, Peggy Burke, president-elect, prepared statement — 137
Bayh, Hon. Birch, a U.S. Senator from the State of Indiana — 46
Burke, Peggy, president-elect of AIAW, University of Iowa; Donna A. Lopiano, women's athletic director, University of Texas at Austin; Harry G. Fritz, dean, School of Health Education and director of athletics, State University of New York at Buffalo, also president of the National Association for Sport and Physical, Education; Joseph B. Oxendine, dean of the College of Health, Physical Education, Recreation, and Dance, Temple University, a panel representing the Association of Intercollegiate Athletics for Women — 93
  Prepared statement — 137

Page

Fuzak, Dr. John A., president, National Collegiate Athletic Association; Stanley Marshall, Secretary-Treasurer, NCAA; Karol Kahrs, assistant athletic director, University of Illinois; Bill Ireland, director of athletics, University of Nevada at Las Vegas; Larry Albus, director of athletics, St. Louis University; Sue Jones, coordinator of women's athletics, St. Louis University; Ed Sherman, director of athletics, Muskingum College, New Concord, Ohio; Tom Hansen, assistant executive director, NCAA; Philip B. Brown and Michael Scott, legal counsel, NCAA, Washington, D.C., a panel ---- 21

Gilbert, Clarissa, president, National Student Association, accompanied by Rick Marsden, speaker of Twin Cities Student Assembly, Univeristy of Minnesota; and Margy Duval, president, Intercollegiate Association of Women Students, accompanied by Margie Chapman, past president of IAWS, a panel ---- 40

  Prepared statement ---- 59

Hruska, Hon. Roman L., a U.S. Senator from the State of Nebraska ---- 3

  Prepared statement ---- 6

Kurzman, Hon. Stephen, Assistant Secretary for Legislation for the Department of Health, Education, and Welfare, accompanied by Peter E. Holmes, Director, Office for Civil Rights, DHEW; Ms. Gwendolyn Gregory, Director, Office of Policy Communication, Office for Civil Rights, DHEW; and St. John Barrett, Acting General Counsil, DHEW ---- 169

  Prepared statement ---- 178

National Association for Sport and Physical Education, Dr. Harry G. Fritz, president, prepared statement ---- 144

National Student Association, prepared statement ---- 59

Pennsylvania State University, Dr. Robert J. Scannell, dean, College of Health, Physical Education and Recreation, prepared statement ---- 158

Scannell, Dr. Robert J., dean, College of Health, Physical Education, and Recreation, Pennsylvania State University, accompanied by Newton Cattell, director, Federal regulations ---- 151

  Prepared statement ---- 158

Tate, Dr. Willis, chancellor, Southern Methodist University, Texas ---- 40

University of Texas at Austin, Donna A. Lopiano, director, Intercollegiate Athletics for Women, prepared statement ---- 115

ADDITIONAL INFORMATION

Articles, publications, etc.:

  Elimination of Sex Discrimination in Athletic Programs, September 1975, memorandum to chief State school officers, superintendents of local education agencies and college and university presidents, from the Department of Health, Education, and Welfare ---- 186

  Fair Play for Intercollegiate Athletics, opening remarks by Senator Hruska, from the Congressional Record—Senate, July 10, 1975 ---- 19

  Nonrevenue funds allocation to athlectic programs, Southern Methodist University, Texas ---- 45

  "Revolution In Women's Sports," from Women Sports, September 1974 ---- 67

Communications to:

  Hruska, Hon. Roman L., a U.S. Senator from the State of Nebraska, from:

    Devaney, Bob, athletic director, Department of Intercollegiate Athletics, University of Nebraska, Lincoln, Nebr., Sept. 10, 1975 ---- 15

    Osborne, Tom, head football coach, Department of Intercollegiate Athletics, University of Nebraka, Lincoln, Nebr ---- 16

    Swofford, Aleen, women's athletic director, University of Nebraska, Lincoln, Nebr., Sept. 12, 1975 ---- 18

  Pell, Hon. Claiborne, a U.S. Senator from the State of Rhode Island, from David Mathews, Secretary, Department of Health, Education, and Welfare (with enclosure) ---- 197

APPENDIX

STATEMENTS

Page

Commonwealth of Pennsylvania, Department of Education, John C. Pittenger, secretary, prepared statement 253
Rutgers University, New Brunswick, N.J., prepared statement 326

Articles, publications, etc.:

  Title IX: Moving Toward Implementation, from the National Association for Physical Education of College Women, and the National College Physical Education Association for Men 202
  "Maryland Athletics: A Financial Struggle," by Mark Asher, from the Washington Post, Sunday, July 20, 1975 256
  "Equal Opportunity vs. Intercollegiate Football," by Phyllis Zatlin Boring, New Jersey Women's Equity Action League 265
  "Physical Fitness and Femininity," by Thomas Boslooper, minister and Ph. D 281
  "We've Got Big Shoes to Fill," from the University of Missouri-Columbia, women's athletic program 351
  "Deep Trouble for Affirmative Action, Your help Urged," from National Organization for Women, Chicago, Ill., Aug. 28, 1975 (with attachments) 436

Communication to:

  Bloustein, Edward J., president, Rutgers University, New Brunswick, N.J., from:

    Pell, Hon. Claiborne, a U.S. Senator from the State of Rhode Island, Sept. 16, 1975 431
    Williams, Hon. Harrison A., Jr., a U.S. Senator from the State of New Jersey, Oct. 3, 1975 432

  Byrd, Hon. Harry F., Jr., a U.S. Senator from the State of Virginia, from:

    Williams, Hon. Harrison A., Jr., a U.S. Senator from the State of New Jersey, Jan. 20, 1976 426
    Heilman, Dr. E. Bruce, president, University of Richmond, Richmond, Va., Nov. 11, 1975 428
  Curtis, Hon. Carl T., a U.S. Senator from the State of Nebraska, from Aleen Swofford, women's athletic director, University of Nebraska at Lincoln, Lincoln, Nebr., Sept. 12, 1975 413

  Hart, Hon. Philip A., a U.S. Senator from the State of Michigan, from:

    Williams, Hon. Harrison A., Jr., a U.S. Senator from the State of New Jersey, Sept. 10, 1975 414
    Cain, Mary A., professor and chairperson, Commission on the Status of Women, Western Michigan University, Kalamazoo, Mich., Feb. 24, 1975 (with enclosure) 415
  Javits, Hon. Jacob K., a U.S. Senator from the State of New York, from Herbert D. Sledd, American Bar Association, Chicago, Ill., Sept. 15, 1975 (with attachment) 411
  Parsons, Richard D., associate director, Domestic Council, Washington, D.C., from Robert J. Scannell, dean, Penn State University, Aug. 29, 1975 429

  Pell, Hon. Claiborne, a U.S. Senator from the State of Rhode Island, and Chairman of the Subcommittee on Education, from:

    Boslooper, Thomas, minister, the Reformed Church of Closter, Closter, N.J., Sept. 5, 1975 280
    Seward, Doris K., D.P.A., president, Women's Equity Action League, Washington, D.C., Sept. 6, 1975 (with attachments) 304
    Kollen, Patsy, South Lyon, Mich., Sept. 8, 1975 (with attachment) 313

Communication to—Continued

Pell, Hon. Claiborne, from—Continued

Page
Bergmann, Barbara R., professor of economics, University of Maryland, College Park, Md., Sept. 9, 1975 315
Bloustein, Edward J., president, Rutgers University, New Brunswick, N.J., Sept. 11, 1975, and Oct. 20, 1975 .... 325, 402
Seiden, Anne M., M.D., director of research, State of Illinois, Department of Mental Health, Chicago, Ill., Sept. 12, 1975 329
Cardin, Shoshana S., chairwoman, Maryland Commission on the Status of Women, Baltimore, Md., Sept. 16, 1975 (with attachments) 337
Pearce, Janice, member, task force on title 9, Consortium of Utah Women in Higher Education, Salt Lake City, Utah, Sept. 16, 1975 344
Daniels, Arlene Kaplan, president, Sociologists for Women in Society, director, Program on Women, Northwestern University, Evanston, Ill., Sept. 16, 1975 346
Vernon, Mary, associate professor of art history, Southern Methodist University, Dallas, Tex., Sept. 17, 1975 347
Jarrett, Miss Alexis, assistant director, University of Missouri-Columbia, Columbia, Mo., Sept. 18, 1975 350
Clemetsen, Siri, vice president, Region V, Intercollegiate Association of Women Students, Mount Pleasant, Mich., Sept. 18, 1975 359
Thorpe, JoAnne, professor and chairperson, Southern Illinois University at Carbondale, Carbondale, Ill., Sept. 19, 1975 360
Hornig, Dr. Lilli, executive director, Brown University, Providence, R.I., Sept. 22, 1975 367
Koenig, R. J., corresponding secretary, the Cleveland Business and Professional Women's Club, Maple Heights, Ohio, Sept. 24, 1975 374
Kramer, Marge, coordinator of women's athletics, Upper Iowa University, Fayette, Iowa, Sept. 25, 1975 376
Hoth, Sandra, president, Iowa Association for Intercollegiate Athletics for Women, Grinnell College, Grinnell, Iowa, Sept. 26, 1975 379
Holmstrom, Lynda Lytle, Ph. D., chairperson, Sociologists for Women in Society, Oct. 9, 1975 394
Ashhurst, Nancy, president, Missouri Women's Equity Action League, Hazelwood, Mo., Oct. 11, 1975 398
Miscellaneous communications to Senator Pell 317–324
331–336, 348, 349, 361–366, 369–373, 375, 380–393, 395–397, 399–401, 403–410

Williams, Hon. Harrison A. Jr., a U.S. Senator from the State of New Jersey and Chairman of the Committee on Labor and Public Affairs, from:

Boring, Phyllis Zatlin, past president, Women's Equity Action League, Old Bridge, N.J., Sept. 2, 1975 264
Bloustein, Edward J., president, Rutgers University, New Brunswick, N.J., Sept. 11, 1975 268
Dougherty, Dr. Neil J., director, Division of Recreational Sports, Rutgers University, New Brunswick, N.J., Sept. 15, 1975 270
Goralczyk, Darlene, vice president, Intercollegiate Association of Women Students, Region II, Flagstaff, Ariz, Sept. 15, 1975 272
Clemetsen, Siri, vice president, Intercollegiate Association of Women Students, Region V, Mount Pleasant, Missouri, Sept. 18, 1975 273
Hansel, Ginger, president, Students' Association, and Ed Martin, director of State affairs, University of Houston, Houston, Tex., Oct. 1, 1975 274
Southern Methodist University students, in Dallas, Tex., Sept. 12, 1975 277
Byrd, Hon. Harry F., Jr., a U.S. Senator from the State of Virginia, Nov. 18, 1975 427
Sledd, Herbert D., American Bar Association, Sept. 15, 1975 (with attachment) 434

PROHIBITION OF SEX DISCRIMINATION, 1975

TUESDAY, SEPTEMBER 16, 1975

U.S. SENATE,
SUBCOMMITTEE ON EDUCATION OF THE
COMMITTEE ON LABOR AND PUBLIC WELFARE,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10 a.m., in room 3302, Dirksen Senate Office Building, Senator Claiborne Pell, subcommittee chairman, presiding.

Present: Senators Pell, Beall, Javits, Randolph, and Stafford.

Senator PELL. The subcommittee will come to order.

Today we will receive testimony on S. 2106, introduced by Senators Tower, Bartlett, Hruska, and Laxalt. This legislation would exempt certain revenue producing intercollegiate athletic activities from the coverage of title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex.

Interestingly enough, the regulations concerning intercollegiate athletics are a very small portion, and really a tiny portion, of title IX which I believe have been blown out of all proportion to the title itself. I think it is important to state here that title IX was enacted in 1972, and it is the law. Regulations were issued, regulations which the Congress could have disapproved of, yet did not.

The hearing today is not to rehash points of view with regard to title IX or the regulations submitted thereunder. The sole purpose of the hearing is the amendment of Senator Tower and his colleagues as it pertains to intercollegiate athletics.

In setting up these hearings, great care was taken to provide for balanced testimony so that no side of the issue would allege that the hearings were slanted in one direction or another. If you look at the witness list, you will see that there is an attempt to balance one viewpoint with the other. This is not to say, however, that statements for the record on all sides of the issue, as well as on the greater question of the effect of this bill on the theory underlying title IX itself, will not be accepted for the printed hearing record. For this purpose the record will be kept open for the ensuing 14 days.

A copy of the bill S. 2106 will follow.

[The bill referred to follows:]

94TH CONGRESS
1ST SESSION

S. 2106

IN THE SENATE OF THE UNITED STATES

JULY 15 (legislative day, JULY 10), 1975

Mr. TOWER (for himself, Mr. BARTLETT, Mr. HRUSKA, and Mr. LAXALT) introduced the following bill; which was read twice and referred to the Committee on Labor and Public Welfare

---

A BILL

To amend title IX of the Education Amendments of 1972.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 901 (a) of the Education Amendments of 1972 (Public Law 92-318) is amended by—

(1) striking out the word "and" at the end of paragraph (4) of such section; and

(2) striking out the period at the end of paragraph (5) and inserting in lieu thereof a semicolon and the word "and"; and

(3) adding at the end thereof the following new paragraph:

II

"(6) this section shall not apply to an intercollegiate athletic activity insofar as such activity provides to the institution gross receipts or donations required by such institution to support that activity.".

Senator Pell. Senator Hruska, would you please proceed.

STATEMENT OF HON. ROMAN L. HRUSKA, A U.S. SENATOR FROM THE STATE OF NEBRASKA

Senator Hruska. Thank you, Mr. Chairman.

Mr. Chairman, I have a detailed, formal prepared statement which I would like to submit for the record. I would like to highlight it and I shall not take too much time. If there are any questions I shall try to answer them.

First, I want to express my appreciation as well as that of the introducer and the other cosponsors of the bill calling for this amendment, to the chairman for his expediting of these hearings. We believe the amendment is for the best interest of achieving the program which is set out in title IX, because it will clarify some aspects of it to the general advantage.

Now, Mr. Chairman, I want to begin by saying that S. 2106 has a very limited thrust. It should be clear in the minds of everyone from the outset, and in all considerations of S. 2106, that the bill does not oppose or attack title IX and its program. In fact, it is in support of that program.

We believe in equal opportunity in the field of sports. In fact, as I shall point out in my statement, at the University of Nebraska we actually have practiced it and will continue to do so.

The bill does not challenge the applicability of title IX to intercollegiate athletics. It seeks only a limited exception for revenues produced by and necessary to sustain individual sports. All other aspects of intercollegiate athletics, including revenues in excess of those required to sustain a revenue producing sport, would continue to be covered by title IX.

Of particular concern to my constituents and myself is the outright rejection on one hand by the Department of Health, Education, and Welfare of all the arguments made on behalf of the 1974 Tower amendment position; and on the other hand, the June 26, 1975, statement by the then Secretary Weinberger about the difficulties of interpreting title IX. Appropriate quotations are included in my statement. The intent of S. 2106, Mr. Chairman, is to solve some of those difficulties. And that is why we think the bill merits serious consideration.

In the balance of my prepared remarks, Mr. Chairman, I discuss the significance of intercollegiate football at the University of Nebraska for all the citizens of my State. My point is that much more is at stake than athletic budgets. We are dealing with deeply felt sentiments of many citizens for whom the traditions and performance of their State university's football team is a matter of great pride.

These are the citizens whose support is essential to accomplish the basic purposes of title IX, which we strongly favor. I believe, Mr. Chairman, that Nebraska has represented well the sentiments of many citizens in the other major football conference States. These sentiments have not been sufficiently reflected, in my judgment, in our consideration of this athletic revenue issue.

Other spokesmen on this issue have relied on a familiar saying to pose the basic issue at hand. Are we going to let title IX kill the goose that lays the golden eggs in those colleges and universities with a major revenue producing sport?

I wonder, Mr. Chairman, with the developments in the field of sports in recent years, if there may soon come a time when the profitability and the popularity of tennis could reach such a point in many schools that it would become the revenue producing sport of a particular school.

And should it happen, as it has already happened in national tennis circles, that the women's tennis teams would have a greater drawing power than men's teams, and they would produce a net revenue beyond what is necessary to sustain the sport, I wonder if such a situation would evoke a different viewpoint than that expressed by the Department of Health, Education, and Welfare in drawing these regulations and in failing to clarify their application.

Mr. Bob Devaney, the athletic director of the University of Nebraska, and Mr. Tom Osborne, the coach of the current team, both have sent statements and letters expressing their views on this matter. On July 10 of this year, Mr. Chairman, I addressed myself to this subject in full detail, explaining the background of this problem and the arguments for amendment to title IX. Those remarks were made on the floor of the Senate. They include some statistics on the revenues of athletic programs at the University of Nebraska, showing the gross receipts and also to what purpose the surplus from the football receipts was devoted. It was devoted, of course, in the sum of $800,000 last year, to sustain the other athletic programs of the university.

Mr. Chairman, I also have a statement from Miss Eileen Swofford, women's athletic director at the University of Nebraska at Lincoln. In her letter she states her views in opposition to S. 2106.

I request, Mr. Chairman, that the documents which I have mentioned and described be inserted at an appropriate place in the hearing record.

Senator PELL. Without objection that will be done.

Senator HRUSKA. Mr. Chairman, may I follow up and conclude with a little story which illustrates, perhaps some of the concern among those who feel there is a difference between gross receipts and net receipts.

The story is told in Cuba of one of Premier Castro's lieutenants walking into one of the swank casinos there to announce to the manager that he had come for a division of the profits. After all, the casino was able to function only through the grace and beneficience of the newly made ruler of that country and he was expecting a share of the receipts.

The manager asked him, "How much do you think he should have?" The lieutenant said, "20 percent." And the manager asked, "20 percent of the gross or 20 percent of the net?" And the lieutenant of Mr. Castro replied, "What is the difference between gross receipts and net receipts," thereby displaying a great void in his knowledge of the structure and functioning of the capitalistic system.

It seems to me that we ought to direct our questions and our thinking to that part of this bill which seeks to make proper places for the category of gross receipts and for the category of net receipts. It is a mundane thing, perhaps. It is only money that is involved. But, let me suggest once again, that the fashion in which athletic revenues are handled and the fashion in which they continue to be handled will be among the most important factors in achieving the objective of title IX, to which this amendment is directed, namely the equality of opportunity in the field of athletics.

That concludes my statement, Mr. Chairman.

Senator PELL. I thank you very much indeed, Senator Hruska, and I recognize too that in your State and certain other States this regulation has an effect proportionately much greater than it does in my part of the country, or other parts of the United States.

I hope some sort of concensus will arise out of these hearings. I thank you very much indeed.

Senator HRUSKA. I am glad to see that the Senator from Maryland is here. They are not an unknown quantity in the field of athletics in that great State, and I am happy to have him listen to the testimony of a Senator from Nebraska.

Senator BEALL. I thank you, Senator. I am happy to have the opportunity to be in the committee room while the Senator from Nebraska was giving his testimony. I am somewhat envious of the financial success of the University of Nebraska with its athletic program, althrough I must say at the University of Maryland we have been having financial success, but we have not yet come to enjoy the extended artistic success that you have had in Nebraska in recent years.

Senator HRUSKA. I thank you, Mr. Chairman.

[The prepared statement of Senator Hruska and additional material referred to follows:]

TESTIMONY BY:

U.S. SENATOR ROMAN L. HRUSKA

NEBRASKA

Hearing on S. 2106, a bill to amend Title IX
of the Education Amendments of 1972.

Subcommittee on Education

Committee on Labor and Public Welfare

United States Senate

Washington

September 16, 1975

SENATOR ROMAN L. HRUSKA

September 16, 1975

Mr. Chairman, distinguished members of the Education Subcommittee, may I first express my appreciation as an original cosponsor of S. 2106 for your promptness in conducting these hearings.

Although the issue addressed by this bill was the subject of recent hearings and committee action in the House, a clear resolution was not reached. Because the other body was concerned with the entire set of Department of Health, Education and Welfare Title IX regulations, the question of intercollegiate athletic revenues unfortunately became identified with efforts to disapprove all the athletic related sections of the regulations.

My distinguished colleague and the author of S. 2106, the senior Senator from Texas, has made clear in his testimony that the extent and character of Title IX coverage of athletics is legally complex and subject to further judicial and legislative action. As he has emphasized, S. 2106 does not challenge the applicability of Title IX to intercollegiate athletics, although I have serious doubts about the intent of Congress in that regard. The bill seeks only the narrow purpose of excepting from Title IX regulation -- before serious damage to the financial structure of intercollegiate athletics results -- the revenues produced by and necessary to sustain individual sports.

Should S. 2106 become law, Title IX would continue to apply to all other aspects of intercollegiate athletics, including revenues in excess of those required to sustain revenue producing sports.

Mr. Chairman, I cannot emphasize too strongly the limited scope of this bill. The Subcommittee has followed a wise and proper course by limiting these hearings to the specific athletic revenue issue addressed by S. 2106. I hope that the other witnesses, the full Labor and Public Welfare Committee and the Senate will, if I may use an old saying, keep their eyes on the ball.

It would be most unfortunate if S. 2106 were perceived as a frontal assault on Title IX. It most certainly is not.

My able colleague from Texas has expressed his strong personal commitment to equality of opportunity. I fully share this commitment. But I also share his concern that such a commitment not be construed as any sort of acquiescence to massive disruptions of the affairs of educational institutions for reasons that go far beyond any reasonable construction and prudent enforcement of Title IX. Congress did not intend that.

It is a matter of record, Mr. Chairman, that the original Tower amendment to Title IX, offered by the Senator from Texas on May 20, 1974, and which I cosponsored, was passed readily by the Senate. But, conference action diluted the amendment beyond recognition by substituting the Javits amendment which calls only for "reasonable provisions" in the sections of DHEW regulations relating to intercollegiate athletics.

These hearings may demonstrate to those conferees who are still Members of Congress and to the public the limited but necessary purpose of the Tower amendment.

The Senator from Texas, as the author of S. 2106, has explained the need for this bill and how it would permit revenue producing sports to have first claim on that portion of their receipts required to sustain their activities.

In the remainder of my testimony I will address the DHEW position on this question. In my judgment, the Department's position underscores the need for prompt Congressional action.

Then, Mr. Chairman, I will speak on behalf of intercollegiate football at the University of Nebraska, a typical large land-grant institution participating in a major football conference. The University's situation demonstrates that this athletic revenue question involves traditions and values far beyond the basic concerns of the athletic budget. I believe these factors merit special attention in the Senate, which uniquely represents the states of the Union.

As the Subcommittee knows, DHEW proceeded on the basis of the 1974 Javits amendment to Title IX and Title VI of the Civil Rights Act of 1964, to dismiss arguments along the lines of those made in behalf of the 1974 Tower amendment. The National Collegiate Athletic Association and other groups and individuals offered vigorous Tower amendment arguments during the DHEW comment period on the regulations. These arguments attempted to make clear to the Department the basic unfairness of the proposed regulations to revenue producing intercollegiate sports.

The Department stated its final position in the summary accompanying the regulations transmitted to the Congress on June 4, 1974:

> A substantial number of comments was received by the Department on the various issues raised concerning the athletic provisions of the proposed regulation. Numerous comments were received favoring a proposal submitted by the National Collegiate Athletic Association that the revenues earned by revenue-producing intercollegiate

> sports be exempted from coverage under this regulation. Other comments were submitted against this proposal.
>
> The NCAA proposal was not adopted. There is no basis under the statute for exempting such sports or their revenues from coverage of title IX. An amendment to the Education Amendments of 1974 was introduced by Senator John Tower on the floor of the Senate specifically exempting from title IX revenue from revenue-producing intercollegiate athletics. 120 Con. Rec. S 8488 (daily ed. May 20, 1974). The "Tower Amendment" was deleted by the conference committee and was, in effect, replaced by the so-called "Javits Amendment" which became § 844 of Pub. L. 93-380 mandating that the Department publish proposed title IX regulations which would include "reasonable provisions" covering intercollegiate athletics.

On June 26, 1975, then Secretary of Health, Education and Welfare Caspar Weinberger spoke candidly about the difficulties of interpreting Title IX and of accommodating the many concerns expressed. In his testimony before the House Subcommittee on Post Secondary Education, the Secretary said:

> The language of the statute is general, providing no specific guidance as to Congressional intent. It has been extraordinarily difficult first, to interpret the intent of Congress and second, to accommodate the concerns of a wide diversity of interest groups and individuals. . . . However, I believe that we have reached a middle ground in the final regulation which allows the flexibility desired by institutions while protecting the interests of students and employees of these institutions.

Mr. Chairman, in my July 10, 1975 remarks to the Senate on this subject, I commented that whatever case may be made for the regulations as a whole, no middle ground had been reached on the proper disposition of athletic revenues. My colleague from Texas has made clear that enforcement of Title IX as it now stands will take major revenue producing intercollegiate sports to the brink of disaster and not to a comfortable middle ground.

We are facing the kind of situation familiar to those who follow closely the enforcement of the Occupational Safety and Health Act. OSHA requires expensive safety devices and procedures which drive up business costs and threaten the solvency of firms. Workers are protected. But, as a direct consequence of OSHA, some workers have no place to work.

We should not look the other way while the sustaining funds of revenue producing sports are diverted to other athletic activities. The schools affected will suffer inevitable declines in the quality and receipts of revenue producing sports. They will have less and less each year in the way of surplus revenues to spend on other athletic activities. Students will understand that, although much energy was expended to insure equal athletic opportunities, those opportunities will be progressively more limited. The plain sense of the matter is that Title IX,unless amended by S. 2106 or a similar measure, threatens to contract rather than expand equal athletic opportunities in those schools with one or more sports producing substantial excess revenues.

Now, Mr. Chairman, I would like to speak about this matter in terms more familiar to my constituents. Nebraska and its state university are typical of many Big Ten and Big Eight football participants. The University of Nebraska was chartered by the State Legislature in 1869, the same year that saw the transcontinental railroad link completed. This was two short years after Nebraska achieved statehood in 1867. The first classes at the University were held in 1871.

The University of Nebraska is a land-grant college with all that label implies in terms of large enrollments from within the state and the provision of many services to Nebraska agriculture and industry. Many members of the Nebraska State Legislature are alumni of the University. The Board of Regents must engage actively in extensive political negotiating with the legislature in carrying out its responsibilities. In the broadest sense, the University is a public institution and quite sensitive to the will of the voters. Its values and expectations have been shaped quite differently than those of many private higher education institutions, and certain public universities which were established much earlier in our nation's history.

Intercollegiate football emerged early as a major sport at the University of Nebraska. The name "Cornhuskers" dates to 1900. Down through the years legends of the skills and personalities of players and coaches, and the rivalries with traditional opponents, have been absorbed into the life and culture of the state.

For several weeks each fall in the wake of the busy harvest and on the threshhold of our typically severe winter, the Cornhuskers unite the state.

Attendance at home games averages more than 76,000 persons in a state whose total population is just over 1.5 million. On a football Saturday the stadium is the third largest city in Nebraska after Omaha and Lincoln. Nebraska fans follow the team in large numbers around the nation. I confess to being one of the more ardent supporters.

Nebraska has produced many fine players including students from minority and low income backgrounds, such as 1972 Heisman Trophy winner, Johnny Rodgers.

Many Husker players are named each year to the All-American teams. In 1974 six such players were named. In recent years, Nebraska has been national champion twice and has won the last six of its post-season bowl games. Nebraska has won more games in its Big Eight conference than any other school. Given this record of accomplishment, I think you can appreciate that Nebraska football has become a great source of pride to the citizens of the state.

Last year the University of Nebraska football program generated an $800,000 net profit, which supported all other sports at the University. Major efforts are now underway to expand athletic opportunities in compliance with Title IX. The basic Title IX questions facing University officials are real, not academic. Will compliance with Title IX require the University of Nebraska football program to expend beyond its surpluses and channel sustaining funds into other sports? If so, where will the line be drawn? Indeed, how can such a line be drawn?

What will happen as the quality of the football program declines and revenues inevitably fall? Is the football program to be run into the ground to sustain other sports as long as it produces revenues, and then simply relegated to the minor sport category or abandoned? Or, will DHEW in its wisdom impose a revenue diversion scheme designed to assure a gradual rather than a precipitate decline in the quality of the football program?

These are the kinds of questions which cause University officials and the members of the Board of Regents to ask what are Congress and DHEW aiming at?

Set against these questions, S. 2106 is a reasonable measure for removing an awkward construction of Title IX. Its enactment into law would clear the way for Title IX compliance without unnecessary and confusing manipulations of football revenues at the University of Nebraska. The same relief would be afforded to other schools in a similar situation.

To the ordinary citizens of Nebraska, the apparent threat to the Cornhuskers posed by Title IX makes no sense at all. Why should an activity which carries the pride of the state be jeopardized and possibly sacrificed to achieve good purposes which common sense suggests could be achieved in other more direct ways.

Let me put the matter as clearly as I can, Mr. Chairman. My constituents are representative of many citizens in the Big Ten and Big Eight states. I believe they would respond positively to this question: Would you support additional expenditures for other athletic programs in accordance with Title IX in order to maintain the quality of the Cornhuskers?

They will respond negatively, I can assure you, to the proposition that sustaining revenues for the Cornhuskers must be diverted to assure Title IX compliance.

S. 2106 offers both a positive approach to Title IX compliance and reasonable protection for the sustaining revenues of major revenue producing intercollegiate sports. The surplus revenues from these sports are immediately available as resources in a substantial number of schools for responding to the spirit and letter of Title IX. They should not be jeopardized. I strongly urge favorable action by this Subcommittee and the Committee on Labor and Public Welfare.

Thank you for this opportunity to testify.

GO BIG RED NEBRASKA

University of Nebraska
Department of Intercollegiate Athletics
Memorial Stadium
Lincoln, Nebraska 68501

September 10, 1975
SEP 12 12 11 PM '75

Senator Roman Hruska
209 Senate Office Building
Washington, D.C. 20510

Dear Roman:

In reply to your letter and my conversation with Dean Pohlenz, I am expressing my views by letter since the time of the meeting seems rather indefinite, and Dean suggested that our views presented by you would be satisfactory.

The implementation of Title IX will be a tremendous problem if we involve funds from revenue producing sports such as football and basketball. If this would happen, the funding of our entire athletic program would suffer greatly, and it certainly is not justified at the present time until a study has been made as to the number of people participating in women's athletics. The revenue producing sports have long supported a well balanced program at the University of Nebraska, but with the addition of nine or ten other sports plus administrative costs, etc., there will not be enough revenue produced.

In fact, in a short time, our athletic program will be thrown into the lapse of State and Federal Governments, and I believe that everyone realizes that this is a burden that will be unbearable. I am in favor of a good women's program, and we are trying our best to implement one here at Nebraska, but this will be impossible if football and basketball revenues must be used to support the women's program along with the nonrevenue producing sports. Incidentally, women's athletics will fall into nonrevenue producing activities for quite some time.

Sincerely,

Bob

BOB DEVANEY
Athletic Director

BD/jb

NATIONAL 1970 1971 CHAMPIONS
BIG EIGHT CHAMPIONS 1963 1964 1965
1966 1969 1970 1971 1972
ORANGE BOWL CHAMPIONS
1964 1971 1972 1973
ORANGE BOWL 1954 1966
GOTHAM BOWL CHAMPIONS 1962
SUN BOWL CHAMPIONS 1969
COTTON BOWL CHAMPIONS 1974
SUGAR BOWL CHAMPIONS 1974
COTTON BOWL 1965

University of Nebraska
Department of Intercollegiate Athletics
Memorial Stadium
Lincoln, Nebraska 68501

SUBJECT: TITLE IX

As you are probably well aware by now, those of us at the University of Nebraska Athletic Department are quite concerned about the effect of Title IX on intercollegiate athletics. At the present time we are operating on a very nearly balanced budget with a projected deficit of $80,000 to $100,000 for next year. Nearly all NCAA schools are operating athletic departments at a deficit due to inflationary costs and nearly fixed levels of income.

The University of Nebraska has budgeted $132,000 for women's athletics for next year and has hired a women's director of athletics. The major part of this sum will be contributed by the Athletic Department.

It is our understanding that Title IX requires "equal opportunity" for women athletes which means that, proportionately, women athletes should have equal scholarship opportunities, coaching, facilities, travel, housing, meals, and equipment to those that men's athletics possess. This does not necessarily mean equal dollars; however, if there is an equal number of women involved in athletics to that of men this would theoretically result in equal expenditures. If fewer women are involved than men, their budget would be proportionately less. For this reason it is difficult to predict the exact cost of women's athletics immediately; however, it would appear that as women's athletics grows there could be very nearly equal expenditures involved as more women become involved.

Our objections to Title IX are as follows:

1. It would appear that H.E.W. has exceeded its jurisdiction as Title IX authority is limited by Congress to areas receiving federal funds. The University of Nebraska Athletic Department is not federally funded and relies largely upon gate receipts (mostly from football) and private contributions for its finances.

2. It does not seem that Congress, when it passed Title IX, ever intended that it be so interpreted as to interfere directly in the affairs of intercollegiate athletics. As Title IX now reads, H.E.W. has such broad discretionary powers that

nearly every area of intercollegiate athletics is subject to federal regulation. It would seem that the directors of athletics could more wisely spend their dollars than government officials.

3. It is not financially possible to implement H.E.W. regulations in view of the current economic plight of intercollegiate athletics. Men's sports now existing at the club level at Nebraska (Soccer, Rowing) have requested athletic department funds and have been refused due to the lack of funds. In addition, nearly all NCAA schools either are now or are at least considering cutting back on the number of sports offered. The Title IX regulations would undoubtedly bring into being five to ten women's sports at a time when colleges and universities are currently unable to support already existing programs.

In order to comply with the regulations as they now exist the University of Nebraska would either have to cut back all programs to little more than an intramural level or else eliminate all non-revenue producing men's sports and attempt to operate football and basketball (possibly) at a somewhat competitive level, giving whatever profit that could be generated from football to women's athletics. If the football program is weakened to the point where it is no longer attractive to spectators and fails to produce a profit the whole athletic program, men's and women's, will fail as football is the only sport that does not operate at a deficit at the University of Nebraska.

4. Title IX requires that funds raised by private contributions to athletic departments be divided proportionately between men and women. Such funds are all that allow most schools to even approach the break even point. The funds would first be depleted by the division with women's athletics and secondly by the reluctance of some contributors to donate funds that are divided between men's and women's athletics. Such funds, largely derived from interest in football, would be very difficult to continue to raise.

5. College football has a tradition going back more than 100 years and has evolved into a sport that has great spectator appeal. This is true of a great many other intercollegiate sports. It would seem logical that women's athletics be allowed to grow and develop naturally along similar lines, in accordance with interest level, rather than to legislate into existence a large number of sports in which there does not appear to currently be a high level of demand on the part of women students at the University of Nebraska.

In conclusion, this letter does not mean to imply a negative attitude toward women's athletics. The University of Nebraska Athletic Department hopes to see continued growth and development in women's athletics. It does not appear, however, that Title IX is the appropriate vehicle for accomplishing such development.

Best wishes,

TOM OSBORNE
Head Football Coach

TO/lh

Women's Intercollegiate Athletics

000731

SEP 15 3 20 PM '75

September 12, 1975

Senator Roman Hruska
U.S. Senate
Washington, D.C. 20510

Dear Senator,

The University of Nebraska-Lincoln Woman's Athletic Department is definitely opposed to the Tower and O'Hara Bills.

We feel that any bill designed to weaken Title IX will be a detriment to the advancement of equal educational opportunity. Women's Intercollegiate Athletics, as well as many other areas in education need Federal support in order to move closer to our country's goals of non-discrimination and equality.

If the Tower and O'Hara Bills are passed, needed support would be taken away from Women's Athletics, therefore resulting in a definite setback of women in sport.

Please include this letter in the formal record of the hearings on the Tower Bill, and on any other bill which would cut back on Title IX coverage.

Sincerely,

Aleen Swofford

Aleen Swofford
Women's Athletic Director
University of Nebr.-Lincoln
Lincoln, Nebr.

cc: Senator Claiborne Pell
Senator Tower
Representative James O'Hara
Senator Carl Curtis
Senator Roman Hruska
Representative Charles Thone

WOMEN'S INTERCOLLEGIATE ATHLETICS

Congressional Record
United States of America
PROCEEDINGS AND DEBATES OF THE 94th CONGRESS, FIRST SESSION
Vol. 121 WASHINGTON, THURSDAY, JULY 10, 1975 *No. 108*

Senate

FAIR PLAY FOR INTERCOLLEGIATE ATHLETICS

Mr. HRUSKA. Mr. President, a number of major higher education institutions, including the University of Nebraska, have expressed grave concern with the potential impact on revenue producing intercollegiate athletics of the new Department of Health, Education, and welfare regulations on Nondiscrimination on Basis of Sex in Education. These are the so-called title IX regulations.

I have consulted at length on this matter with University of Nebraska President D. B. Varner, with the University's athletic director, Bob Devaney and with head football coach Tom Osborne. These are good and reasonable men. They are not resisting title IX. They are positive in their views on how the University of Nebraska will comply. But they do fear greatly that football, the one sport which pays its own way at the university, will be seriously damaged by compliance based on the law and regulations in their current form. They believe that this will lead to a weakening of the university's total athletic program and that sports for both men and women will suffer.

I was pleased to note this week that the House Education and Labor Committee has been considering an amendment to title IX which would relieve the concerns of the universities in question. The amendment has been recommended by the Subcommittee on Postsecondary Education, which has been conducting well-published hearings on the regulations pursuant to section 431(d)(1) of the General Education Provisions Act. That section requires congressional review of the regulations for consistency with the language and intent of title IX.

Senators who were present in the 93d Congress will recall the amendment to title IX offered by the distinguished senior Senator from Texas on May 20, 1974, to exempt intercollegiate athletic activities to the extent that they provide gross receipts or donations to educational institutions that are necessary to support the sports or teams generating the funds.

The Senate agreed to the Tower amendment, which it was my pleasure to support by a statement on the floor of the Senate. Subsequently, the conference committee proposed and the Congress agreed to much more general substitute language, the so-called Javits amendment, which requires "reasonable provisions" in the sections of the title IX regulations covering intercollegiate athletics.

The Department of Health, Education, and Welfare has proceeded on the basis of the Javits amendment and title VI of the Civil Rights Act to dismiss arguments along the lines of those made in support of the Tower amendment. These arguments were made vigorously to the Department during the comment period on the regulations by the National Collegiate Athletic Association and by many individuals and groups who recognize the basic unfairness to revenue producing sports.

The Department's final position on this matter is stated clearly in the summary accompanying the regulations transmitted to the Congress and printed in the Federal Register on June 4, 1975. I include in the RECORD pertinent excerpts from the Department's summary:

> A substantial number of comments was received by the Department on the various issues raised concerning the athletic provisions of the proposed regulation. Numerous comments were received favoring a proposal submitted by the National Collegiate Athletic Association that the revenues earned by revenue-producing intercollegiate sports be exempted from coverage under this regulation. Other comments were submitted against this proposal.
>
> The NCAA proposal was not adopted. There is no basis under the statute for exempting such sports or their revenues from coverage of title IX. An amendment to the Education Amendments of 1974 was introduced by Senator John Tower on the floor of the Senate specifically exempting from title IX revenue from revenue-producing intercollegiate athletics. 120 Con. Rec. S 8488 (daily ed. May 20, 1974). The "Tower Amendment" was deleted by the conference committee and was, in effect, replaced by the so-called "Javits Amendment" which became § 844 of Pub. L. 93-380 mandating that the Department publish proposed title IX regulations which would include "reasonable provisions" covering intercollegiate athletics.

Mr. HRUSKA. Mr. President, the Secretary of Health, Education and Welfare in testimony on June 26, 1975, before the Subcommittee on Postsecondary Education of the House Education and Labor Committee spoke candidly about the difficulties of interpreting title IX and of accommodating the many concerns expressed by interested parties. He said that:

> The language of the statute is general, providing no specific guidance as to Congressional intent. It has been extraordinarily difficult first, to interpret the intent of Congress and second, to accommodate the concerns of a wide diversity of interest groups and individuals . . . However, I believe that we have reached a middle ground in the final regulation which allows the flexibility desired by institutions while protecting the interests of students' and employees of these institutions.

Whatever may be the case for the middle ground for the regulations as a whole, I submit, Mr. President, that no middle ground has been reached on the question of the proper disposition of athletic revenues. The American Football Coaches Association and the National Collegiate Athletic Association testified on June 17 and 20, respectively, before the House Postsecondary Education Subcommittee on the potential dangers to the goals of title IX. These organizations made clear that, first, if sports or teams generating revenues are not permitted to plow back sufficient moneys to keep operating on a basis which would assure continued revenues, funds which would be available to achieve the aims of title IX will be lost. Second, and inseparable from the first point, there is the danger of a decline in the level and quality of major intercollegiate sports such as football, basketball and, in some region of the Nation, ice hockey. These sports provide entertainment for and elicit the interest and loyalties of millions of Americans. They are very much a part of the American scene and of the identities of the schools involved.

I want to emphasize, Mr. President, that the NCAA is not asking that revenue producing sports be exempt from title IX, as some believe would be reasonable, but only that the revenues produced by a sport be spent first on that sport. Is this not fair? If a sport produces revenues should not those funds be applied first to that sport at least at a level necessary to sustain it.

On Monday of this week the President of the United States considered the intercollegiate athletic issue sufficiently serious to meet and discuss the matter with the President of the American Football Coaches Association, coach Darrell Royal, of the University of Texas, in company with the distinguished junior Senators from Michigan and Oklahoma and the head football coaches of the University of Michigan and the University of Oklahoma.

The current efforts of the House Education and Labor Committee to address Tower amendment issues raised in the Senate in May 1974 indicate that the other body is far from unanimous on the question.

Mr. President, it is clear to this Senator that an amendment to title IX along the lines proposed in 1974 by the Tower amendment is the only fair course open to Congress. I hope that the House will offer soon an effective amendment to title IX that the Senate can accept and clear for action by the President. If that prospect does not develop, opportunities remain for Senate initiatives.

The new regulations could be approved by the Congress without passage of a simultaneous amendment to title IX to forestall the dangers to revenue producing intercollegiate athletics. Those who directly face the dangers would prefer simultaneous action, of course. We should not wait until the last minute to act. Although the new regulations would allow a 3-year adjustment process for intercollegiate athletic programs, the adverse impact on athletic budgets will be felt quickly. Major sports require long lead times for the recruiting of players and coaches. Schedules are arranged years in advance.

If agreement cannot be reached quickly on an amendment, I would hope that the appropriate Senate committees would assure early consideration of the impact of title IX on intercollegiate sports which are a source of pride to all Americans. These sports have provided minority and disadvantaged young men and women with great opportunities to better themselves. No American would want to see that pride tarnished and those opportunities lost.

To demonstrate that these concerns are not theoretical, I include in the RECORD three tables of data on the athletic budget of the University of Nebraska at Lincoln, the central campus in the State university system.

UNIVERSITY OF NEBRASKA AT LINCOLN—ATHLETIC BUDGET DATA: REVENUE AND PROFIT FOR FISCAL YEAR 1973–74

	Revenue	Profit
Football	$3,619,456.88	$813,814.56
Basketball	169,950.18	—86,455.74
Track	10,191.08	—141,675.93
Baseball	2,103.10	—78,279.01
Wrestling	1,200.00	—58,908.65
Swimming	2,052.00	—41,114.27
Gymnastics	2,528.11	—32,325.83
Tennis	392.00	—7,038.94
Golf	None	—18,179.73

ESTIMATED INCOME AND EXPENSES FOR CURRENT YEAR AND FOR 1975–76 AND 1976–77

ESTIMATED INCOME

	1974–75	1975–76	1976–77
Home football tickets	$2,740,000	$2,740,000	$2,590,000
Other sports' sales	110,000	200,000	200,000
Guarantees, road football	475,000	470,000	520,000
Guarantees, other sports	40,000	45,000	50,000
Conference distribution	150,000	200,000	200,000
Concessions	325,000	375,000	375,000
Contributions	175,000	180,000	185,000
Other	40,000	45,000	50,000
Total, estimated revenue	4,055,000	4,255,000	4,170,000

Note: Conference distribution is money from televised games and bowl appearances divided among the 8 conference teams and guarantees is the money promised from ticket sales to opposing schools.

ESTIMATED EXPENSES

	1974–75	1975–76	1976–77
Guarantees to football visitors	$1,125,982	$1,085,000	$1,122,000
Guarantees other sports	40,000	80,000	80,000
Grants-in-aid	670,000	700,000	725,000
Operating costs	1,712,000	1,832,000	1,960,000
Debt retirement	700,000	750,000	730,000
Capital outlays	50,000	50,000	50,000
Contingency reserve	100,000	105,000	110,000
Total estimated expenses	4,141,982	4,336,000	4,487,000
Projected deficits	86,982	81,000	317,000

Note: Guarantees to visiting teams is a percentage of the income from ticket sales when that team plays in Lincoln.

Mr. HRUSKA. As the first table indicates, football was the only University of Nebraska sport with positive net revenues in 1973–74. In that fiscal year the University of Nebraska football team paid its own way and still provided $814,000 to finance other sports including women's teams.

The total athletic program is operating on a barely balanced budget this year. Deficits are estimated for the 2 years immediately ahead. Should substantial portions of football revenues in excess of profits be diverted to title IX compliance, a serious decline in the quality of the football program would result. This will lead to falling receipts from ticket sales and donations and thus a shrinking pool of football revenues to support those sports which cannot pay their own way. The deficits now facing the university's athletic budget planners would quickly become unmanageable with a decline in football revenues.

The implications are obvious, Mr. President. A profitable major sport or team which helps to support other athletic programs could be forced through title IX to become a liability to the university and the total athletic program. I do not believe that Congress intended this result when it passed title IX. Does Congress intend that cities destroy their tax base in the process of complying with laws and regulations governing other forms of discrimination? It is evident, however, from the statements of the Department of Health, Education, and Welfare and from testimony before the House Postsecondary Education Subcommittee that the "reasonable provisions" standard of the Javits amendment does not remove genuine fears about the impact of title IX on those major intercollegiate sports which do pay their own way.

Senator PELL. Is Senator Bayh here? No. Senator Tower? No. Well, I think we will continue with the understanding that whenever they might come up they will be permitted to proceed.

Now, we will move to the panel representing the NCAA, National Collegiate Athletic Association. On the panel are John Fuzak, president of the association, Stanley Marshall, secretary-treasurer of the association; and I believe certain others.

STATEMENT OF DR. JOHN A. FUZAK, PRESIDENT, NATIONAL COLLEGIATE ATHLETIC ASSOCIATION; STANLEY MARSHALL, SECRETARY-TREASURER, NCAA; KAROL KAHRS, ASSISTANT ATHLETIC DIRECTOR, UNIVERSITY OF ILLINOIS; BILL IRELAND, DIRECTOR OF ATHLETICS, UNIVERSITY OF NEVADA AT LAS VEGAS; LARRY ALBUS, DIRECTOR OF ATHLETICS, ST. LOUIS UNIVERSITY; SUE JONES, COORDINATOR OF WOMEN'S ATHLETICS, ST. LOUIS UNIVERSITY; ED SHERMAN, DIRECTOR OF ATHLETICS, MUSKINGUM COLLEGE, NEW CONCORD, OHIO; TOM HANSEN, ASSISTANT EXECUTIVE DIRECTOR, NCAA; PHILIP B. BROWN AND MICHAEL SCOTT, LEGAL COUNSEL, NCAA, WASHINGTON, D.C., A PANEL

Dr. FUZAK. Thank you, Mr. Chairman.

I am John Fuzak, president of the National Collegiate Athletic Association, and also a member of the faculty and administration of Michigan State University.

On behalf of the NCAA I would like to thank the subcommittee for the opportunity to appear before you this morning.

Accompanying me are several individuals responsible for the administration of intercollegiate athletics for both men and women, at five NCAA member institutions. We believe that for purposes of these hearings that the member institutions comprising this panel are reasonably representative to the total membership of the NCAA. They range in terms of student enrollment and magnitude of athletic budget from the smallest in the NCAA, or among the smallest in the NCAA, to among the largest.

Some of the programs represented provide all or almost all of the costs of the program through their revenue producing sports, down to programs which do not provide the cost for their own sport, let alone supporting the total program.

After I make my remarks, with your permission, Mr. Chairman, I intend to call upon each of the members of the panel for a brief commentary in terms of the impact, on the effect of the Tower amendment in relation to their programs.

Allow me to introduce them at this point, if I may. On my right is Stanley Marshall, the director of athletics at South Dakota State University, and also currently the secretary treasurer of the NCAA. On my left, the second person over is Karol Kahrs, who is the assistant athletic director of the University of Illinois; and on my far right, Bill Ireland, who is the director of athletics at the University of Nevada, Las Vegas; and then Larry Albus and Sue Jones, respectively the director of athletics and the coordinator of women's sports at the University of St. Louis; and on the far left Ed Sherman, director of athletics at Muskingum College in New Concord, Ohio.

Also with us are Tom Hansen, who is the assistant executive director of the NCAA; and Mr. Phil Brown, and Mike Scott of the law firm of Cox, Langford & Brown, our legal counsel here in Washington.

The NCAA, on behalf of its member institutions has been studying and publicly commenting on the proposed title IX regulatory activity of the NCAA for more than 2 years. During this period the NCAA has at no time, contrary to popular belief, opposed the expansion of intercollegiate athletic opportunities for women.

Indeed, the NCAA has encouraged and supported the development and expansion of women's athletic programs. We fully understand that the only issue before us is the modification of title IX as proposed in the Tower amendment. We assume for purposes of these hearings, without agreeing to the correctness of the assumption, that HEW's title IX regulations represent valid law. The purpose of our attendance then is to attempt to assist the subcommittee in its consideration of S. 2106 introduced by Senator Tower this past summer.

As we read S. 2106 its essential and limited effect is to exempt from the nondiscrimination mandate of title IX, and therefore from its regulations, the gross receipts and donations generated by the intercollegiate athletic activity to the extent necessary to support that activity.

Enactment of the Tower bill would thus mean, for example, that whatever may be the program-balancing requirements created by the title IX regulations at a particular institution, self-generated income of let us say the football team at that institution will not be taken into account in evaluating equality of opportunity existing in the intercollegiate athletic program to the extent, and only to the extent, of the amount of that self-generated income required to cover necessary expenses of the football program.

Simplifying further, the football program at my institution, Michigan State, generates at gate receipts, television income, alumni donations, and other miscellaneous revenues, a total of $2 million annually, and $600,000 annually is required to operate the football program.

Of the $2 million, $600,000 is exempt from the equal athletic opportunity requirements of title IX, but the remaining $1,400,000 is subject to the equal opportunity requirements of title IX, whatever they may be.

It's also important to us to state our understanding of what the Tower bill does not say. It does not say if an intercollegiate team generates a nickel, or $5, or some other amount of revenue, that team or that sport is exempt from the requirements of title IX. To the contrary, it is our understanding that if the men's wrestling program of Michigan State University generates $10,000 in revenue and donations, and the cost of the wrestling program is $50,000, then only the $10,000 of self-generated wrestling revenue is exempt under the Tower bill from the application of title IX, from the equal opportunity principles.

Consistent with that principal, the remaining $40,000 proposed to be spent on wrestling may only be devoted to the team, as the Tower bill is written, if expenditure of that additional $40,000 for men's wrestling can be justified along with amounts spent on other men's teams in equal opportunity comparisons with the amounts spent on women's teams.

Senator **Pell**. Let me just make sure I understand what you are saying. You are saying that if a wrestling team produces $50,000 in gross receipts, but the cost of maintaining this sport is $40,000, then you are saying that the $50,000 total would be exempt, is that what you are saying?

Dr. **Fuzak**. No; I was making a reverse point, Mr. Chairman. If the wrestling program produced or generated revenues of $50,000 and the cost was $40,000, then the $40,000 would be exempt, but the $10,000 would be subject to the equal opportunity requirements, whatever they are.

On the other hand, if the program generated $10,000 in income and the sport cost $50,000, then only the $10,000 is exempt, and the $40,000 would have to be justified in terms of equal opportunity requirements if it was going to be allocated to that sport. The equal opportunity requirements of allocation to women's sports——

Senator **Pell**. Would you give me that second example again? You say if it cost $40,000?

Dr. **Fuzak**. $50,000 is the one I am using.

Senator **Pell**. $50,000, right. And you netted $10,000——

Dr. **Fuzak**. That is a generated income of $10,000.

Senator **Pell**. A generated net income of $10,000——

Dr. **Fuzak**. Gross.

Senator **Pell** [continuing]. A gross income of $10,000, so in other words it was a loss for the university of $40,000?

Dr. **Fuzak**. That is correct.

Senator **Pell**. Then what you are saying is that only the $10,000 would be subject to the provisions in title IX?

Dr. **Fuzak**. No, no. The $10,000, according to the Tower proposal, would be exempt from equal opportunity requirements, but the $40,000 would not be exempt. The $40,000 would have to be justified in terms of equivalent allocations to women's sports. Actually you don't do it sport by sport, it is in total expenditures for men's programs as compared to women's programs.

Senator **Pell**. Why wouldn't the whole $50,000 be subject to the equal positions in that case, when it's a loss?

Dr. **Fuzak**. Because as I understand it, that is what the amendment, the Tower amendment, proposes, exemption of that $10,000 of generated revenue.

I would say at this point that the NCAA heartily supports Senator Tower's bill. Why are our members so deeply concerned about this problem, and why have they argued so urgently in favor of the principle of the Tower bill?

I believe all of you are aware that educational institutions of the United States are today going through the most serious financial problems that have been experienced since the depression. Many institutions, mine among them, are forced to curtail educational programs and related educational activities, even terminating faculty members. At some institutions this involves the termination of faculty members on tenure. So that the money from the general fund is not available to supplement the athletic budgets. Athletic departments and intercollegiate athletic programs of both large and small intercollegiate institutions have experienced the same exact financial crunch, and even without any consideration being given to the impact of title IX on intercollegiate programs, severe curtailments of intercollegiate opportunities for student athletes are required.

I want to emphasize that no financial assistance for intercollegiate athletics has been or is being provided by the Federal Government. Recently many of you were aware that the NCAA held a special convention, only the second in its history, to deal with the proposition of attempting to curtail costs so that intercollegiate athletic programs could be continued. Many of them are threatened because of financial problems.

At many NCAA member institutions the sole bright spot in the rather bleak horizon is the revenue occurring to the institution which is generated by the popularity of many collegiate sports within the student body, and among the general public. This revenue takes the form of gate receipts, radio and television revenues, program advertising, booster club donations, and a miscellany of other income sources, significant, but not of such significance as these others.

The NCAA is dedicated to attempting to keep athletics as an integral part of the educational programs for the institutions. In fact, it directs many of its activities toward that end, but at the same time there's absolutely no denying that many intercollegiate athletic activities represent a public entertainment product of the institution which in economic terms must compete with other forms of entertainment for the public's financial support.

In some of the larger "big football" NCAA member schools, football and basketball today cover all or virtually all of the entire intercollegiate athletic budget for men and women. In large State-supported schools like UCLA, Minnesota and Ohio State, Wisconsin, Penn State, and Missouri, to name a few, located in the States represented by the members of the subcommittee, between 70 percent and 85 percent of the entire budget for intercollegiate athletics is paid for by football and basketball.

At Ohio State the income from football is about 2¼ times larger than the expenses of that program. In other large institutions, and in most of the moderate size and smaller size schools revenues from football, basketball, ice hockey, wrestling, and a variety of other sports contribute significant amounts to the gross budget for intercollegiate athletics, but only infrequently do these sports pay for themselves.

The intercollegiate budget as a whole requires additional support from general university funds. Representative of the latter would be perhaps the colleges comprising the Ohio Athletic Conference, of which Muskingum College is one, where on the average revenues from football and basketball cover approximately 30 to 35 percent of the total intercollegiate athletic operating budget, and where only rarely does income from a particular sport cover the operating expenses of that sport.

The deep concern held by the individual college athletic administrators at this table, and their peers across the country, is that if title IX means what HEW appears to say it does, that equality of opportunity is going to be judged in terms of expenditures, and in terms of expenditures for interested participants, and then in the ordinary institution very significant sums of money currently spent on men's revenue-producing sports must, as a practical, down-to-earth matter, be diverted to women's sports. There is no practical alternative to this course of action.

It is not a practical alternative to eliminate men's non-revenue-producing sports and use the freed-up funds to build more and bigger women's programs. Cutting back nonrevenue programs can mean a marked decline in the development of this country's efforts in many of the olympic sports.

As a practical matter, in track, wrestling, swimming and gymnastics, all normally not productive of substantial revenue, it is the college and university programs which provide the training for our olympic athletes.

I repeat, the only practical route under the regulations is to cut back on the expenditures for revenue-producing sports. Bluntly put, directors of athletics fear that if significant sums are diverted under title IX from sports which are today revenue producing, the quality of the particular athletic program in question must diminish, or be restricted. Equally inevitably we believe the revenue producing public will turn to other forms of entertainment such as professional sports with the resultant loss of revenue to the educational institutions, and therefore a loss to the total program, including that for women.

To illustrate the problem we have attached to this statement and have provided to each member of the subcommittee a summarization of the 1975–76 budgeted statement of operating income expense of the intercollegiate athletic departments at South Dakota State University, Mr. Marshall's institution.

As soon as I complete my part of the presentation I am going to ask Mr. Marshall to briefly comment on what that means to his particular institution.

One of the most unfortunate aspects——

Senator Pell. I would add here that we have certain specific questions that we want to ask, so I would hope that each of the statements could be reasonably short and the full written statement you have would be included in the record.

Dr. Fuzak. I believe that the statement has been submitted to be put in the record, Senator.

One of the most unfortunate aspects of the controversy between HEW and the NCAA is the fact that at least in the popular press the controversy is being characterized as a war between men and women, and it's not. If there is a war, it is between those who administer and figure out how to pay for intercollegiate athletic programs, and those who have little or no concern for this practical undertaking.

As you will discover, if you care to question my colleagues at this table, there is not one of us who is embarrassed by the voluntary efforts of his institution without the help of HEW to provide increased athletic opportunities for women students.

What we ask here today is for the Congress to recognize and provide a modest, fair, and realistic solution to one of the practical problems involved in administering intercollegiate athletics in 1975, and we are asking only that Congress legislate to make it clear that revenues generated by a particular sport may, under title IX, be applied to the expenses of that sport.

We fully recognize that there are certain definitional problems posed by the brevity with which Senator Tower has chosen to approach the revenue producing sport problem. A fair question, for example, is whether the exemption proposed by Senator Tower should be applied to revenues resulting from mandatory student athletic fees, as distinct from ordinary gate receipts and broadcast revenues.

We believe these definitional problems are by no means insoluble, and certainly no more complex than the definitional problems created by HEW's title IX regulations themselves.

To the extent desired by the subcommittee we look forward to working with the subcommittee members and staff in clarifying the precise application of the general principle of S. 2106.

We do beseech the subcommittee as urgently as the English language will permit to accede to our plea for action, and immediate action, under the principle of S. 2106.

HEW has made it perfectly clear that there is no postponement of the application of title IX. It is applicable right now. Universities must even now begin to implement programs of self evaluation under the title IX regulations, and to prepare budgets for the next academic year.

We desperately hope that this process may be accomplished within a framework which gives a limited, but special recognition to the inordinate contribution to intercollegiate athletics made by the various sports which produce significant revenues.

Now, with your permission, sir, I'll turn to members of the panel for a brief commentary, and then if you wish to ask questions, or interrupt to ask any of the questions.

Senator PELL. I would rather you completed your presentation, then we can get on with our questions.

Dr. FUZAK. All right, sir.

Stanley Marshall, the director of athletics at South Dakota State University and whose program operating budget was submitted, and he will tell briefly what the impact and effects are.

Mr. MARSHALL. This year at South Dakota State University our program in intercollegiate athletics which has traditionally been a strong program for women and men will include 11 sports for women and 11 for men. We will have approximately 135 women participating and about 300 men participating in these programs. If we do not get any relief via the Tower amendment for our guarantee and gate receipts and donated moneys, and you break that down to a per capita participant basis, we are spending about 15 percent overall on the women's program and would be required to move to about 21 percent, and I think that could be the difference in making it impossible for us to continue a good program for all of our students.

If we can get the relief that the Tower amendment provides so that our men can solicit money, and we have to raise about $75 to $80 thousand a year, and to utilize guarantee and gate receipts I think we can provide a strong program for all of our students.

To cite an example of our use of guarantees, we have an opportunity to play this fall the University of Nevada at Las Vegas in the sport of football. They have extended an invitation to us, and they will pay us $12,500 to go out there and we can go for about $11,100 or $11,200 and the net effect is that we can go at no cost to our program, and in fact, return some moneys that can be utilized throughout the balance of the program. And if we do not get the exemption to accept those kinds of invitations, it will be more costly to operate our football and our basketball and our whole program will be in jeopardy.

I have personally no quarrel with title IX. I think that many times those of us responsible for programs need Federal nudges to do things probably we ought to do and we are making every effort to do those things. On the other hand I have never felt that the intent of title IX or its good purpose was to destroy intercollegiate athletics.

I believe the enactment of the Tower amendment will permit us to operate a strong program, and I respectfully solicit your support.

Senator **Pell**. Thank you very much.

Dr. **Fuzak**. I would like to call on Karol Kohrs, the assistant director of athletics at the University of Illinois.

Ms. **Kohrs**. Thank you, Mr. Chairman.

As Dr. Fuzak indicated, I am the assistant director of athletics at the University of Illinois, Urbana, Champaign, and it is in this capacity as a representative of the University of Illinois that I am present this morning.

It is indeed my privilege as well as my responsibility to represent the athletic program for both men and women at the University of Illinois.

Hopefully by having direct communication with this committee, those involved in finalizing and implementing title IX will gain a perspective of various institutional administrative structures as well as varying means by which intercollegiate athletic programs across the country are funded.

A perspective of varying types of intercollegiate structures should sharpen the focus of the interpretation procedures and considerations that are necessary for effective institutional control of programs that are expected to be in compliance with title IX.

To understand the position of the University of Illinois with respect to certain aspects of title IX, specifically the Tower bill, it is necessary to provide a brief description of the administrative and financial structure of the university I represent.

On February 21, 1890, the athletic association of the University of Illinois became incorporated as a not-for-profit corporation so as to legalize the generation of income and the expenditure of moneys in intercollegiate athletics in a manner that would be in line with the statutes of the State of Illinois. The athletic association is therefore considered to be an allied agency of the University of Illinois and is self-supporting. To date, there have been no tax dollars, no State funds, nor student fees utilized to support the intercollegiate programs of the athletic association at the University of Illinois.

Revenue to support the intercollegiate athletics at the University of Illinois has been acquired by the following means: gate receipts, guarantees with other teams, television revenues, concessions, parking, sale of game programs, contributions to the grant-in-aid program, contributions to the general athletic fund, and special funds for specific purposes.

A case in point is the Golden Anniversary Fund, which was designated for the renovation of Memorial Stadium. All of these moneys are public generated funds. Before discussing the administrative structure of the athletic association of the University of Illinois it is important to note that the total budget for 1975–76 is $2,498,623, excluding scholarships. Eighty-two percent of the total budget, $2,049,703, is generated by football and men's basketball. The portion of the budget to be expended by football is $475,616 and the portion to be expended by men's basketball is $175,625, for a grand total of $651,241, and the remainder of the total collection from public funds, which supports all other men's and women's teams, is $1,398,462. Considering that the origin of 82 percent of the total budget is generated by football and basketball, it is appropriate and necessary to support the concept that the funds essential to maintain those revenue-generating bases of our entire intercollegiate program should be retained successfully. Surplus funds over and above those necessary for the ongoing program in football and basketball should be allocated to all other sports. Those surplus funds and only those surplus funds should be considered in determining equality in overall programmatic benefits and resources.

It does not necessarily take equal dollars to provide equal opportunity in athletics. The approach described would appear to be in keeping with the intent of title IX, that of providing quality programs that are available to all student athletes.

At this time I would like to reemphasize that the position of the acceptance of this concept is very representative of the University of Illinois. While it may be the position of other institutions, that generalization cannot be made without firsthand knowledge of the budgetary sources of individual institutions.

Further, support of the protection of operating budgets for football and basketball is grounded in the sources of funds for our total budget, and it is based upon our administrative structure of being an incorporated, not-for-profit corporation. To enforce equalization of funds available to all sports, whether they be revenue producing or revenue expending, would seriously jeopardize an educational institution's autonomy and the right for self-determination with respect to individual programs.

Further, each institution is in the best position to determine how best to meet the needs and interests of students in athletics on its campus. If the intent of title IX is not to jeopardize an institution's administrative autonomy and self-determining flexibility, then how funds are to be expended, particularly funds given by the public, should rest with the individual institutions.

It seems critical to the well-being and uniqueness of an institution that flexibility be preserved and that self-direction should be determined by individual institutions. While it is true that some institutions have not made sufficient progress in providing equality in athletics for men and women student athletes alike, it should be noted that a number of institutions are committed to and are providing equal opportunities in athletics for both men and women.

To substantiate this statement, an overview of the women's intercollegiate program at the University of Illinois is appropriate.

Until May 15, 1974, women's athletics were under the offices of the Department of Physical Education at the University of Illinois. The budget for the program was provided within that department's total budget, and amounted to $14, 110, which did include coaching salaries.

As of the date cited, and as a result of the efforts of a task force committee appointed by the chancellor to study women's athletics at our campus, it was approved by the board of trustees to relocate the program under the jurisdiction of the athletic association.

For the University of Illinois and the entire athletic association program, this transition occurred with the best interests of all concerned in mind. Certainly this restructuring has put women's athletics and men's athletics on an equal footing, and in the proper perspective with the mission of the University of Illinois.

The restructuring has provided women's athletics with a substantial budget of $133,000 for the 1975–76 year, which is a 62-percent increase over last year's budget of $82,500.

In addition, the administrative and support services which were never possible when the women's program was the responsibility of the department of physical education, are now provided on a totally equitable basis with men's athletics.

Well-qualified coaches have been employed to meet the increasing caliber of talent in student athletes. Facilities are used on an equal basis. All benefits and services are provided student athletes on an equal basis regardless of sex, except where governing body rules and regulations differ.

Scholarships are available for both men and women student athletes. Schedules and the caliber of competition engaged in by both men's and women's teams insure quality competition, and are in line with the principles and objectives of the university, the NCAA, the AIAW, and the Big Ten Conference, as all the activities of the Athletic Association of the University of Illinois are governed by the rules and regulations of these organizations.

While title IX has been of great concern to many administrators and athletic directors across the country, it is my firm belief that the University of Illinois is not troubled by the advent of this legislation, due to the sincere commitment the university, the Athletic Association, the faculty, and the students and the community have regarding maintaining and enhancing all of its respective programs, including athletics for all student athletes.

If the present self-direction in the administrative structure of the University of Illinois cannot be maintained as described, it is difficult to assess the impact the change might have upon the quality of the programs for both men and women.

Legislation by the respective governing bodies of intercollegiate athletics, the NCAA, and the AIAW will obviously continue to shape and mold policies, rules, and regulations for respective member institutions. If and when these two organizations come to closer agreement as to the governing of intercollegiate athletics, fewer differences will exist among and between men's and women's athletics programs.

However, different administrative structures and different sources of budgetary funds will likely always exist. These differences are unique to individual campuses and to their total organizational structure.

However, these differences have not been an impingement to the development of quality athletic programs. The greatest problems faced on individual campuses has been, in my opinion, in the area of personal relations. These problems in many instances have stemmed from lack of communication, lack of trust, lack of understanding of men's and women's intercollegiate programs and their respective philosophies.

Unfortunately, title IX cannot cure these problems; however, title IX has, in fact, stimulated much change which has enhanced equal opportunity in education and will continue to facilitate more equitable opportunities in athletics.

In so doing, it is strongly recommended that flexibility and self-determination of the institutions shall be preserved.

In closing, I would like to express my sincere appreciation to this committee for having had the opportunity to speak on behalf of the Athletic Association of the University of Illinois, and in support of the Tower bill, and to share our position and our commitment to the development of a sound intercollegiate athletic program that meets the needs and interests of both men and women student athletes. Thank you.

Dr. **Fuzak**. Thank you, Karol.

Mr. Chairman, I would like to call on Larry Albus and Sue Jones from St. Louis University. I'll turn to Larry.

Mr. **Albus**. Mr. Chairman, as director of athletics at the St. Louis University, I am primarily responsible for intramural clubs and recreational sports programs, as well as intercollegiate athletics.

St. Louis University is a private, urban institution with an undergraduate enrollment of approximately 4,000 students, and an estimated total student population of 10,000 men and women.

I believe it is important to consider the potential title IX applications to St. Louis University-type institutions, which have neither football nor State resources. The St. Louis University is committed to providing a financially feasible, well-rounded program for men and women student athletes. I emphasize financially feasible and well rounded.

A 15-sport intercollegiate program of which 8 are for men and 7 for women is currently provided. Three of these sports; namely, men's basketball, hockey, and soccer are income producing, and no individual sport, however, generates sufficient revenues to meet not only its own expenses but the expenses of the entire athletic department.

Since St. Louis University believes in the philosophy and principles of athletics, we must therefore be prepared to finance intercollegiate athletics from the general university funds. Our revenue producing sports do generate approximately $550,000 in income from such sources as gate receipts and program sales, radio and television income, and student ticket assessment, which is critically important to the continuation of the sports program at St. Louis University.

St. Louis University is prepared to finance intercollegiate athletics within certain limitations, but not at the expense of the total university. A specific case made this position very clear to me last spring. Since the financial dilemma which faced our basketball program received some national publicity, it is possible that you are familiar with the instructions which I had received which required me to reduce the deficits associated with men's basketball by at least $100,000 or face discontinuation of that sport.

I think it is significant to realize that basketball at St. Louis University has been an intercollegiate sport for 60 years, and for many years was the sport for which we received the greatest identification. Since expenses were already reduced to a minimum, acceptable levels could only be realized by increasing revenues. St. Louis University has clearly established and defined that situation beyond which it will not continue a sport, or for that matter, the total sports program. Basketball was continued this year and for the foreseeable future because income was generated through the season ticket campaign, and other promotional activities.

It is not feasible to add additional expense to the athletic budget without compensating income. As the athletic portion of title IX currently is written, the St. Louis University could be required to spend additional resources without offsetting income to achieve compliance.

As stated previously, additional general fund resource are not available, therefore we are faced with various alternatives. Expenses associated with the income producing sports could be reduced, but in all likelihood, this would be offset by practically a one-to-one decrease in income dollars.

Another alternative would be to either discontinue or to cut back in the nonrevenue producing men's sports programs, but sufficient savings could not be realized to meet the additional dollar requirements for title IX expenditures as they currently exist.

Therefore, the only apparent solution for a St. Louis University-type program would be to either reduce all athletic competition to a public support-type program, or to simply discontinue intercollegiate athletics.

The fact that some sports are income producing cannot be ignored. Application of the Tower bill would appear to allow St. Louis University to approach compliance with title IX in the near future, therefore continuing its quest of equal athletics opportunity among men and women. To apply the principles of the Tower bill to our current budget, the 1975–76 budget would allow for a per capita expense of approximately $1,800 for each male athlete and $1,500 for each female athlete, and the projected expense of the 1976–77 budget would have per capita expenses of approximately $1,500 for men and $1,400 for women.

I firmly believe that the implementation of the Tower bill would permit private, urban-type institutions like St. Louis University to continue to attempt to provide equal athletic opportunity which we all sincerely want.

We are very proud of the advances made in women's athletics at St. Louis University, and rather than providing specific background concerning these sports. I would like to ask at this time Miss Jones, who is serving as the assistant athletic director at St. Louis University with the primary responsibility of developing and coordinating our women's program, to provide for you a background of what we have done, and what we are proposing to do at the university in the area of women's athletics.

Senator **Pell**. Thank you very much.

At this point our ranking majority member, Senator Randolph has a short statement to make.

Senator **Randolph**. Thank you very much, Mr. Chairman.

I appreciate the opportunity you have given me between two other committee meetings to just come by and to say that the credentials of Sue Jones and Larry Albus are forwarded to me by our older son, Jay Randolph, in St. Louis, who I am sure both of you have some contact with from time to time.

But he hoped that I might stop by, and I say this to Senator Javits as well, to indicate that insofar as the testimony we are receiving on this subject matter, it is very important to have the experience of the institutions themselves in attempting to move into new areas, and still protect the areas which are productive of those funds necessary to have an overall athletic program.

I came today to indicate as members of the committee know, that this subject is one of very great importance, I think not only to the matter of athletics, but our educational system, especially in the collegiate and university levels, and I shall work with my colleagues in reference to being well reasoned in our determination on the legislation pending before us.

Thank you, Mr. Chairman.

Senator PELL. Thank you.

Miss JONES. Mr. Chairman, gentlemen, as the assistant athletic director of St. Louis University my main responsibility is to coordinate and develop the women's athletic program. I think St. Louis has taken great strides in this area, since as of this past July I am the first full-time woman who was hired to coordinate the women's program.

I'd like to give you an opportunity to see what we've done in the past at St. Louis, what we expect to be doing, and what we project for the future.

Women's athletics has gone back a few years to where it was simply a club sport with no funds allocated to it to in 1972–74, with a couple of thousand dollars allocated to it for intercollegiate athletics. Most universities have experienced this kind of past performance. Last year we had four to five intercollegiate women's sports, and we had at that time $40,000 allocated to run these women's sports.

Presently we are dealing with a budget of $104,000. At this time we have seven intercollegiate women's athletics sports under this budget. For next year we project a budget of approximately $170,000. We feel that at this point this type of budget will not only help our women's athletic program, but it also takes care of the needs of the women on campus in terms of their desires for their future athletics.

I think along with our increasd budgets over the years we have also noticed the interest that the women have shown in the program and we have also shown this increased interest. We started out possibly in club sports being able to accommodate approximately 20 young ladies, and last year we had this raised to about 40 young ladies, and this year we presently have 70 young ladies or more who are interested in the program of intercollegiates for women. We project for next year between 120 and 130 women who will be involved in our program. I think we have taken major steps from our club sport days to our present intercollegiate days.

Allocations are a major part of the women's intercollegiate athletics, as we all agreed to that, but there are many other aspects that we should look at.

At St. Louis University we share the same facilities with men and women, and we use the municipal parks, this being a metropolitan university, we do not have any facilities on campus, and both men and women share these facilities on an equal basis. We give our men and women equal physicals, and they are very thorough physicals, and our whole athletic department has gone through this same physical.

In regards to our coaches we do the best we can to get the most qualified coaches for all of our sports. All of our coaches for the majority of women's sports and the men's sports are part-time coaches, and at the same time we pay them the same salary across the board.

For these reasons the university has given us certain amounts of moneys that they can spend on the athletic program, and we've reached this amount where the maximum deficit of the university will allow us for athletics, not only men's but women's. For these reasons I strongly support the Tower bill, because without the Tower bill I feel that not only will the men's athletic program suffer, but the women's athletic program as well.

There is a chance that at St. Louis University without the Tower bill in effect, that we would either lose the athletic program, both men's and women's, or it would be taken back to where we were a few years ago with club sports.

With our continued interest in athletics, I would hate to see this happen. It has taken us a long time to get where we are at now, and the women thoroughly want it, and they have shown us they want it through their continued interest.

I would like to thank you for this time to give my desires and my interests on women's athletics, and I think the Tower bill will help to improve the women's athletics program at St. Louis University and show it to be a good athletic program.

Senator JAVITS. Thank you, Miss Jones.

Dr. Fuzak?

Dr. FUZAK. I would like to call on Bill Ireland, who is the director of athletics at the University of Nevada, Las Vegas. Bill?

Mr. IRELAND. Senator Javits, other members of this committee, I was not aware until this morning that we were offering South Dakota State more money than they needed for their trip to Las Vegas, so I assume that Stan and I are going to have to renegotiate that contract.

We are a relatively infant institution in intercollegiate athletics. Las Vegas is not generally associated with colleges, although I think that in intercollegiate athletics we are very rapidly adding a new dimension to our very glamorous city. We have only been in existence some 20 years. We have only been in intercollegiate athletics about a dozen years.

We have concentrated our resources and our efforts in men's intercollegiate football and basketball, and we've done that for several reasons. We have been mandated by the students through the direction of their fees to do so, and we also subscribe to the economic philosophy that those two sports can generate the income or have the potential to generate the income that eventually could carry a very wholesome overall program for men and women.

This has proved to be the case at our institution. There was also a third matter concerning facilities, and this being a brand new institution we had no facilities whatsoever, and we had to lease or rent those, and to do so required money, and consequently it had to be a revenue-producing sport.

In the past 2 to 3 years we have risen dramatically in our standings from division 3 to division 1 in football and basketball. This past year we participated in the national championship playoffs in both sports.

We have filled our rotunda in basketball, and we have filled our stadium in football. Three years ago we had four sports on campus, no women's sports whatsoever; this year we are intercollegiate in five women's sports, and we are intercollegiate in seven men's sports. The total financial support of all those programs comes from the excess revenue generated by football and basketball.

I have four daughters, three of whom are actively engaged in intercollegiate athletics in the University of Nevada system, so I have a personal, as well as a professional interest in their well-being.

On our campus at this time there is only one threat to women's intercollegiate athletics and that is title IX without the Tower amendment. I urge you to give it your consideration, and we have to clarify the intent of title IX in this area, and we feel that the Tower amendment does this.

Thank you very much, Senator Javits.

Senator **Javits**. Thank you, Mr. Ireland.

Dr. **Fuzak**. Senator Javits, I think it is important to us to call upon Ed Sherman, the director of athletics of a small college, Muskingum in New Concord, Ohio to comment on the impact and effect of the Tower amendment.

Senator **Javits**. Is this your final member of the panel?

Dr. **Fuzak**. Yes, sir, it is.

Mr. **Sherman**. Mr. Chairman, I'll not take much of your time, but most of the publicity that is derived from intercollegiate athletics comes from the large institutions. There are more small colleges than there are larger, and most of them are private institutions, and they have to raise their own private funds to carry on their total program.

I represent 14 schools in a small conference in the State of Ohio which are not unlike some 250 other colleges in the United States. We are all struggling as far as finances are concerned, not only in athletics, but every place else. One of the problems is the drop in enrollment. One of the largest sources of revenue for our institutions is enrollment through intercollegiate athletics. In our conference, however, athletics are for the students who want to come get an education and participate, but we still do stress the intercollegiate program. We are not allowed to recruit off campus, and we do not offer any athletic scholarships. All aid to athletes is based on the need, the same as it is for anybody else, both men and women.

But I would like to point out something, and I don't know whether it has been mentioned here or not, but in our particular institutions we have 1,100 students, and there are about 510 of them that are men, and the 510 that are men, approximately 140 of them are involved in either football or basketball. There are some 225 involved altogether in intercollegiate athletics, and there are 52 women involved. Our conference was way ahead of title IX when it came to treating women's programs equally. We got together with the women physical education people 3 years before title IX regulations were written, and worked out programs that satisfied both the women and the men.

I think that the point that I want to make here is that if naturally football is a sport that costs a great deal more money than do any of the others, and if we cannot keep the money that we do take in at the gate in our football and basketball programs I daresay that there will be no more football and basketball programs.

And if there are no more football or basketball programs I daresay the enrollment at our institutions will be reduced by some 100 or so men, and if the enrollments are reduced by that amount, then you can see what that is going to do to the budget of the school with 1,100 people.

We met with our presidents, our conference did, a year ago to try to find ways to reduce costs in intercollegiate athletics, and some of us had some ways that we presented that costs could be reduced, such as reducing schedules, limiting traveling of squads, limiting coaching staff, cutting the schedules to where they would all be played within the State, and such things as that.

The presidents all agreed to amend. They didn't want any part of that because athletics was their biggest source of enrollment, so I think that this needs to be considered, and it will affect the small college as well as the large institutions, and I heartily support the amendment that is being presented.

Thank you for your time.

Senator JAVITS. Thank you for your comments.

Dr. FUZAK. Senator Javits, that concludes our presentation, and we would be very happy to answer any questions that you might have.

Senator JAVITS. I have a few questions that I would like to ask you, and the staff has prepared some questions which are essential to round out the testimony.

If any member of the panel that wishes to join in an answer, please make it clear, and I'll be glad to accommodate them.

I gather, Dr. Fuzak, that you have no objection to efforts to bring about greater equality of the treatment of women in athletics than has existed before?

Dr. FUZAK. No; none whatever.

Senator JAVITS. And as a matter of fact one of the elements of your testimony, and I only heard some of it, but I think I have the drift, is that you are currently making such efforts?

Dr. FUZAK. That is correct.

Senator JAVITS. These efforts are being carried out by what you would call, if you would accept my words for it, self-regulation. Is that correct?

Dr. FUZAK. Yes.

Senator JAVITS. Therefore, the issue is how can it be done without discriminating against the men, who you and all your witnesses feel will suffer discrimination through the loss of playing opportunity if these regulations insofar as revenue producing sports are put into effect, is that correct?

Dr. FUZAK. That is correct, yes, sir.

Senator JAVITS. Therefore, isn't the issue the following statement, which I find at page 12 of your statement, and just let me read it to you: "Indeed we believe that anyone who suggests the DHEW is not going to evaluate equality of opportunity in economic terms, in the final analysis is the purveyor of pure folly. There simply is no other tangible measure." Isn't that the nubbin of the issue?

Dr. FUZAK. That is correct, sir.

Senator JAVITS. But do you understand that the two words, "economic terms" necessarily mean what you are construing it to mean, to wit, that based on the eligible applicants you have to divide the money that you get from revenue producing sports between men and women, and whether the women's sports need it or not, you have got to force feed them like a strasburg goose?

Dr. FUZAK. I believe that is what the regulation is now saying.

Senator JAVITS. That is the way you interpret it?

Dr. FUZAK. Yes, sir.

Senator Javits. I do not want to challenge you, sir, because like every other American, either old or young, I am deeply interested. I played myself, just like Senator Jennings Randolph, and we are all of the same breed. But it seems to me that the mind of man should be capable of being sensible about this, and maintaining what is almost an article of religion today, to wit, the equality of opportunity between men and women.

I refuse to accept the fact that there is simply no other way, which is what you say. Is there no other tangible measure? You do not really believe that, do you? Don't you think we could try to find a way?

Dr. Fuzak. Well, I guess you could try to find a way, but in terms of our continued contacts and questioning of Department of Health, Education and Welfare, we really come back, in spite of a lot of vague commentary, [illegible] come back to the conclusion that, our legal counsel tells us, that it really eventually boils down essentially to the question of expenditure.

Now, there are other ways, of course, but those other ways are not particularly significant, and they are very difficult to deal with in terms of evaluation.

Now, I would like to add that not only are we talking about discrimination against men, but the possible diminishing of opportunities for women, which we believe would come about without protecting the revenue-producing sports.

[Senator Pell presiding.]

Senator Javits. I understand.

May I ask you this, however; what do you people suggest in respect to Senator Tower's bill, which has a very generic classification of revenue-producing? In other words, whether it is football which produces a lot of money, or whether it is field hockey which produces mighty little money, and anything that is revenue producing, out it goes. Is that correct?

Mr. Fuzak. No, Senator, I would quarrel with that interpretation.

Senator Javits. Please explain.

Dr. Fuzak. I tried to make that point, but perhaps was attempting to hurry over it a little too quickly. Revenue production itself does not exempt that team or that sport, only the revenue produced by that sport would be exempt for the equal opportunity qualification, and any excess generated would be subject to the equal opportunity provisions.

I tried to give an illustration of that.

Senator Javits. Please, I am not clear on what you mean by the revenue produced by that sport, and the excess. What is the excess?

Dr. Fuzak. All right. I tried to use my own institution, Michigan State University, and while these are hypothetical figures, they are fairly close to the actual figures.

Football, through gate receipts, television income, radio income, a whole variety of donations from boosters for football, and a whole variety of other public subscription kinds of funds, raises slightly over $2 million, but let's say that it is $2 million annually, and the actual expenses of the football program are $600,000. In order to generate that—that is the "cost of generation" in a sense.

Now, the $600,000 under the Tower amendment would be exempt from division with—on an equal basis with all women's sports, or with all men's sports for that matter.

But the $1,400,000 which remained above expenses would be subject to the division among all sports and on the basis of the principle of equal division with the women's program.

Senator **Javits**. Now, if the Tower bill does not say that, you are satisfied that it should be amended to say that?

Dr. **Fuzak**. Yes, sir, we believe it does say it.

Senator **Javits**. But if it does not, then you would be satisfied with the passage of what you propose?

Dr. **Fuzak**. Yes, sir.

Senator **Javits**. So that is your alternative. And I want that, that is very important, because there seems to be some difference about it.

The other thing that I wanted to be sure I understand in your testimony is that insofar as there being a football team on campus for the women, which sounds silly, but I will redefine that in a minute, because the regulations of the Department say "determine the interest of both sexes in the sports to be offered by the institution." Now, obviously it is the opinion of the athletic director that there is no interest or appreciable interest. A few girls may want to play, but there would be no appreciable interest in football. Football is out, so would you accept that, too?

In other words, if football is a sport, even though it is a revenue-producing sport, and there is an interest on campus, is that sufficient for the purpose, there could conceivably be a women's football team.

Dr. **Fuzak**. I presume there could be, yes, sir.

Senator **Javits**. I mean you accept that?

Dr. **Fuzak**. Yes.

Senator **Javits**. I mean that part of the regulation you do not object to?

Dr. **Fuzak**. Yes.

Senator **Javits**. OK, I think that is very good. Mr. Fusco informs me that the document I was quoting is the HEW guide on the regulations, not the regulations themselves.

I would like to make two points before I am through. I would like a performance standard for what is involved here. In other words, what do we want to produce for women in the way of athletics? I know there are members of other panels who are testifying against the bill, and for me I hope they will define what they consider to be the optimum for women athletics and the athletic opportunity at the colleges and universities.

Speaking frankly, I am personally not interested in the doctrinal question of theory. Let's find out how women really feel and give them a fair deal as far as athletics are concerned.

And second, I sympathize because I have read through this stuff, and I would sympathize with those who are for the Tower bill in the sense that you have got to be very precise, and you cannot wait until later and then have a suit against you because you did not do what you were supposed to do. I appreciate that this is a challenge to the Department and to us in Government to do our utmost to see that there is precision, and that you are not left up in the air in any unreasonable way.

I mean anybody can sue anybody, you can always expect that, but at least you have the knowledge in advance that you have got a reasonably precise set of regulations and guides.

So as I said when I began, I hear you all with a very open mind. In my judgment, you have helped to sharpen the issue, and I hope that on both sides there will not be a feeling of confrontation. We have a mutual problem and we are all enthusiastic about college athletics. Let's try to solve it bearing in mind the new world in which we live where women are entitled to the same breaks as men have had traditionally.

Thank you, Mr. Chairman.

Senator PELL. Thank you.

As I understand it, your thought—by example—would be that a football program costing approximately $600,000, and which generates a total of $2 million; that the $600,000 in expenses should be exempt from the provisions of the Tower amendment, but that the $1.4 million remaining would come under the guidelines of HEW?

Dr. FUZAK. Yes.

Senator PELL. Now, in that question of allocation of costs——

Dr. FUZAK. Mr. Chairman, exempt not from the Tower amendment, but exempt from title IX, the application of the regulations of title IX, but the $1.4 million would not be exempt.

Senator PELL. Right. Now, what would you include in the determination of expenses; for instance, the upkeep of the stadium, the field house, the cost of the band, cheerleaders, would that be part of the $600,000, or would that be separate?

Dr. FUZAK. It is difficult to answer that question. I may call on someone else because there are such variations and for example, in our own institution, the band is not supported. It is operated independently of the athletic income and is not subsidized, except should the day ever come when we go to a bowl game.

Senator PELL. Let's presume it was paid for by the program, would that be included?

Dr. FUZAK. I suppose that could be regarded as a legitimate expense in relation to that football program, in terms of the generation of the income.

Now, there are some appropriate limits to be placed on that, and I think that there are budgetary procedures and limitations now in effect which I believe could answer that kind of question.

Senator PELL. What about the question of the cost of the stadium, and the upkeep of the stadium?

Dr. FUZAK. Well, I think that you would have to include the reasonable costs in terms of the stadium because that is physically a part of that football program. I think significantly there is the aspect of the income produced by it which supports the total program.

Now, if you were saying there are no limits, that there is a door wide enough to drive a truck through, I do not believe that is so. I might call on one of our directors, and I would ask Stan Marshall in particular to answer that.

Mr. MARSHALL. I can see what you are driving at, but I do not believe that is the intent of certainly NCAA or any of us to create a crack where we can tie everything in as a football expense. For example, we could get that in and have very little left over.

I think all of us have accounting procedures on our campuses that dictate what we can charge against, and what we cannot. In my institution our cheerleaders are autonomous and our band is autonomous, and they do other things besides football, and it is not a football expense. In our small stadium, a very nice one I might add, we have private solicitation, and we do have to keep that up, and that is a football expense. That is the only intercollegiate group that uses that stadium at the present time, so I think that the auditing procedures, the budgetary procedures currently in effect would prevent anyone or if anyone has the thought that they are going to tie everything in and get a waiver as a result.

Senator PELL. I think that what is needed here in the provisions of the regulation is some specificality as to the definitions included. My own thought would be that those expenses that are 100 percent related to the revenue producing sport, be it football, or be it wrestling, would be included.

But if it is only partially related, then I think we are going to get into trouble. Expenses of this type would include the band, and the stadium, because at the stadium, field and track events are conducted as well as football, while the band is used for other purposes also. Obment is specifically related and would be included.

Now, we spoke earlier of the definition of donations. As I understand it, alumni associations often receive earmarked donations and unearmarked donations. How would you treat situations where the general donations from alumni had a certain percentage earmarked for athletic activities?

Dr. FUZAK. Those that are earmarked for athletic activities, I think unless they are earmarked for, for example, a particular sport, they would, in my view, have to be treated as general and not as specific income or revenue for that particular sport.

On the other hand, most institutions, or a great many of them are able to raise and get donations specifically for football or basketball, and I think those should be exempted.

Senator PELL. I think part of the question here is one of definitions. Would you submit for the record a brief, one sentence definition, and I want to give you time to think it out, of these following words or group of words. One, intercollegiate athletic activity, institutional gross receipts, donations, and the term "required to support," and give us your written definitions of those terms in your view?

Dr. FUZAK. Yes. May we submit those at a subsequent time? It is difficult to come up with definitions at the moment.

Senator PELL. You can submit those within the next 2 weeks.

Dr. FUZAK. Yes.

Senator PELL. So we have your views.

Mr. MARSHALL. One quick comment on that; I think all of us recognize, those of us who solicit money for grant aid programs, that we have an obligation to do the same for women, and I think most of us are moving in that direction, and do permit women or men or people interested in women's programs to contribute directly to those programs.

By the same token, we permit people to contribute to football support, or baseball support, and it is our hope that we will get enough relief to give us time to get the women's support side built up, and I think that that can happen.

I also think that women's sports will fall in a hierarchy eventually in terms of spectator interest. I think the gate receipts from women's intercollegiate basketball will eventually be worth consideration, and other sports in the women's program, possibly gymnastics. I don't know which will if allowed to develop and will eventually produce revenue and will be afforded this same opportunity then of protection for those incomes to expand. Basketball, which appears to be the one at this point, will be a revenue generator.

Senator **Pell**. Well, I thank you all very much indeed for being with us, and I look forward to receiving your definitions of those terms. Concerning any further statements you may have, the record will stay open for 2 weeks following today's hearing.

We will have to crank those into our thinking as well.

Thank you very much indeed.

I regret to say that Senator Tower will not be able to appear with us this morning, but he has asked that Dr. Willis Tate, chancellor of Southern Methodist University, speak for him.

Dr. Tate?

STATEMENT OF DR. WILLIS TATE, CHANCELLOR, SOUTHERN METHODIST UNIVERSITY, TEXAS

Mr. **Tate**. Thank you, Mr. Chairman.

I am Willis M. Tate, chancellor of Southern Methodist University, Dallas, Tex., and a member of its board of governors.

I am appearing before you today to present a short oral statement for the permanent record of these hearings in support of the Tower amendment to title IX of the 1972 higher education amendments, which purpose among others was to strike an equitable balance between somewhat competing interests, those of revenue producing and nonrevenue producing intercollegiate athletics. The Tower amendment was not retained by the House and Senate Conference as you are aware. We therefore are deeply appreciative of the opportunity to present this statement at this time.

At Southern Methodist University we have three sports which experience positive net revenues over expenditures for that sport, including football, basketball and tennis. Of the three sports, obviously tennis is the most attractive to female participants at our university, though female participation in athletics at Southern Methodist University is by no means limited to tennis. In our experience, golf and swimming are also important to women participants in intercollegiate competition. An intercollegiate letter has been awarded to a female swimming in the Southwest Conference as a member of the SMU varsity swim team in competition with men.

It is our understanding that a strict interpretation under title IX would require the allocation of that small revenue produced by tennis (in our case) to other nonrevenue producing sports, many not attractive to women participants, at the expense of reinvesting the tennis revenue that is earned by the sport back into the program for further development. The effect would be a flattening out of the potential growth of an intercollegiate sports activity attractive to women, which now holds much promise. This would, in my judgment, not be in concert with the intent of Congress in adopting title IX which, important as title IX provisions may be, has failed to take into consideration the individual differences between the profiles of athletic programs at the several institutions.

At Southern Methodist University we have made strong progress toward intercollegiate sports which include women. Future plans and programs have already begun, largely supported by university resources, leaving the net revenue from revenue producing sports available first for the sport that produced the revenue, then allocable to the athletic program offerings which are nonrevenue producing.

For example, at Southern Methodist University, revenues from football and basketball through gate receipts, TV and auxiliary support organizations such as our Mustang Club, provides approximately $1.2 million for our athletic department budget requirements. With the revenue which can be spread over the nonrevenue sports after budget support for football and basketball is provided, we find nearly $600,000 available to support nonrevenue athletic programs.

Additionally, the revenues which have been plowed back into the sport generating the revenue, assure that the nonrevenue-producing sports programs will continue to have the needed budget support to continue and expand. It is in this area, in our experience, that intercollegiate athletics for women have the greatest hope. The best assurance of their development and growth will come from a strong athletic program that is able to generate the kinds of revenues necessary to build a truly viable and attractive female intercollegiate sports configuration.

There is a danger of inhibiting the continued growth and support of the revenue-producing sports programs, if allocation of their revenues must be made under the formulas of title IX, which would prevent the revenue-producing sports from realizing full availability of their net earned revenue.

I suggest that to do so endangers the revenue-producing sports to a sufficient degree and endangers also the nonrevenue-producing sports which rely on them. Deficiencies in budget support for nonrevenue-producing sports, where not covered under allocation of revenue from income-producing sports, must be made up from university resources. Over the past 5 years alone the university has allocated $1,325,000 to this purpose. (See appendix to this statement.) This, from our viewpoint, is a superior answer to allocation of revenues than that contained in the present language of title IX.

We do not presume to offer negative testimony to the essential goal of title IX provisions regarding the development of opportunities for female participation in intercollegiate athletics. Indeed, Southern Methodist University has made significant provision for participation by women in intercollegiate athletics, and intramural programs. We have allocated substantial resources to provide assistance to a number of female-oriented sports.

This support is from university resources, and as far as we can ascertain, we are in compliance with provisions of title IX, and in some cases may even exceed the provisions of title IX, because the allocation from university resources is made from available funds, not produced by intercollegiate athletic programs. As such, this investment in intercollegiate athletics for women can be said to be in addition to, or superior to the prescribed allocations that would be required under title IX formulas.

Importantly, however, we can assert that our investment in intercollegiate athletic offerings for women rises from our deeply felt moral obligation to provide the kind and quality of sports activities desired by our female athletes. In our experience intramural sports activities are as attractive to our women athletes as are intercollegiate sports programs.

While title IX addresses the whole problem, colleges and universities differ very much. While the ratios of men to women may even be similar, the resulting mix of interests will ultimately vary greatly in: one, the private versus public institutions; two, varied admissions requirements at the several institutions; and three, socio-economic profiles of the student populations.

Therefore it seems far more appropriate for colleges and universities to find their own solutions to the broad questions of participation by women, under the implementation and adherence to title IX programs, without the anticipated detrimental impact of title IX so far as revenue-producing sports are concerned.

In an address just this past Saturday on our campus, President Ford urged independent institutions to be unique and different. Acknowledging that private institutions are finding it increasingly difficult when decisions are made for us by Federal decree, he admonished independent universities to continue to seek answers to the problems that confront society and propose new approaches and programs themselves rather than being a carbon copy of all public institutions.

In order to continue our affirmative programs to increase all participant sports, we will need the substantial development and increased support that our income producing sports now provide. Because, in our case, football and basketball, and to some degree tennis, are our most marketable sports programs drawing substantial revenues for support in addition to their own programs, they should not be endangered.

They are the keystone to support for the entire intercollegiate athletic program. This is so, because of a long history of public acceptance, participation, and interest, which has created this important resource. Whether we are going to be able to make significant progress in the other sport programs will depend largely on the financial revenues we can allocate to these other sports programs from the positive net revenue athletic programs.

In this statement I want to reassert that we are substantially in accordance with the provisions of title IX. In meetings with our director of athletics, there is an apparent enthusiasm for prompt implementation of these provisions, which can mean the development of an exciting and substantial intercollegiate athletic configuration for women participants.

But we do seriously question the law in its present form, because of its potential danger to our present net revenue producing sports. If they are to suffer from this, then the entire effort at substantial development of the nonrevenue producing sports may be in jeopardy. We need some assurance that the revenues produced by a sport be spent first on that sport at a level necessary to sustain reasonable growth and development.

Senator STAFFORD [presiding pro tempore]. Thank you, Mr. Chairman.

Thank you, Dr. Tate. You can see the acting chairmanship of this committee has changed while you were delivering your statement, and this Senator had to come from another subcommittee meeting above us to be here, and did not have a chance to hear the first part of your statement. It is very helpful to the subcommittee.

And I have one matter I would like to invite your comment on, as chancellor of Southern Methodist University. The subcommittee has received a letter from a student at the university expressing her concern about the Tower bill, and since she is a student at Southern Methodist, I will read to you a portion of her letter and then invite your comment, if you care to do so.

Mr. **Tate**. I would be glad to, Senator.

Senator **Stafford**. She says:

> My school has two potentially outstanding women's teams; the tennis squad has placed in the top 20 in the Nation the past 2 years; the swimming squad, finally organized in 1974, placed third in Texas this spring. Unfortunately these statistics belie each of these teams' training conditions. That they hold these ranks is an indication of their dedication and drive.
>
> The tennis team is allowed to practice only on the slick and hazardous intramural courts, being barred from the newer, more expensive men's varsity courts. The intramural season begins at SMU, the team of women will be obliged to forfeit practice time to nonintercollegiate teams. Although nationally ranked, this team was unable to participate in many important meets during the season because of lack of funding. Also, much of their equipment is purchased by the team members themselves. When injuries occurred on the team last season they were allowed the services of an athletic trainer only at 8 a.m.
>
> After its formal organization our fledgling swimming team was allotted no pool time last semester. The men's coach refused to give it time and as one of the women's team members understood his decision was also "found it ridiculous to even consider that the women practice with the men." Instead the team was required to enroll in a swimming class, so it received only a little more than 2 hours practice time a week, and in effect, had to pay for the right to be on the team with their tuition money.

Now, if you would care to comment, Dr. Tate, we would welcome it. If you don't, we understand.

Mr. **Tate**. Yes, I would like to speak. We have not achieved our goals in the participation of women in intercollegiate athletics, and we do have scholarship programs for tennis, golf, and swimming. As I mentioned in our testimony, one of our girl divers actually won a varsity letter on the men's team in the intercollegiate athletic program in the Southwest Conference where she placed.

Our facilities are limited. We have very few tennis courts, and we have on our drawing boards now a tennis complex that will be built to completely accommodate the needs of the women's team. We also are opening later this year a $2½ million sports center that will be dedicated mostly to giving facilities for women's intramural and intercollegiate athletics.

These funds have come directly from outside sources and not from revenue producing sources, so while I cannot agree with all the things that the young lady complains about, I have to admit that we do not have the facilities we need, and we are busy getting them.

Senator **Stafford**. Do you have a timetable to achieve these?

Mr. **Tate**. Yes; as I say, before the end of the year a $2½ million sports program built for, largely for women's sports, will be opened, and we have now assurance that a tennis facility will be under construction before the end of the school year.

Senator **Stafford**. Dr. Tate, let me ask you one question. The Tower bill, a copy of which I think you have access to contains certain phrases which ought to be defined before we enact it into law. I wonder therefore, if you would be kind enough to explain to this subcommittee how you would define the phrases; 1, "an intercollegiate athletic activity"; 2, "institutional gross receipts"; 3, "donations," and 4, "the term required to support."

If you care to, Doctor, rather than do it orally, the subcommittee would be delighted to have you respond in writing to that question.

Mr. TATE. I would be glad to do that.

I just want to say that there are no two universities that keep their athletic budget the same way, or propose their athletic budget the same way. The other thing is that every institution is different, and there are requirments for team sports for women in some institutions where there are not in others. We do not have in our normal competitors in the institutions, we'd like to compete with, the kind of teams that would justify people coming to our university to participate in some of the team sports that are actively supported and important to other institutions.

I think that we can't make a set way of keeping books, nor can we make a set proposal that all intercollegiate athletic programs have to have the same kind of mix, because we are all different kinds of institutions. I would be glad to consider those questions and give you more information.

Senator STAFFORD. Thank you, Doctor.

It would be rather difficult to administer this bill or title IX if there is no uniformity in the bookkeeping system followed by the colleges and universities in the country, would it not?

Mr. TATE. This is true. Of course, I am a strong believer of pluralism. I hope we never get uniform in everything we do, because in our situation, our opportunities, our participation in some of these activities are unique from anybody elses. In some universities an athletic program requires paying for a stadium. We do not have to pay for one, there is the Cotton Bowl in Dallas.

Some institutions certain discounts are given for scholarships and so forth. It would be very hard to unify them, and I hope that we never get to the place where we have to all be carbon copies of everybody else.

Thank you.

[The appendix referred to by Mr. Tate follows:]

APPENDIX A

Non-revenue funds allocation to Athletic Programs

FISCAL YEAR ENDED	UNIVERSITY ALLOCATION
June 30, 1971	$ 81,569
May 31, 1972*	324,462
May 31, 1973	199,283
May 31, 1974	324,167
May 31, 1975	396,329
Total	$1,325,810

*Due to change in fiscal year from June 30 to May 31, the 1971-72 amounts represent eleven months activity.

Senator **Stafford**. Thank you very much, Dr. Tate. We appreciate your testimony.

For the information of persons present, Senator Birch Bayh is on his way over, and will be our next witness.

Senator Bayh, the subcommittee is delighted to have you in front of us as a witness, and I would invite you to proceed in any way you wish.

STATEMENT OF HON. BIRCH BAYH, A U.S. SENATOR FROM THE STATE OF INDIANA

Senator **Bayh**. Mr. Chairman, could I have the committee's permission to have Ms. Barbara Dixon, who has been my chief staff assistant in this area, join me at the witness table?

Senator **Stafford**. Yes, sir; you certainly may.

Senator **Bayh**. Mr. Chairman, I think perhaps the best way to do this would be to just go ahead and read through the statement. I find after a dozen years or so I can extemporize an 8- or 9-minute statement in about 20 minutes, but if I read it, it is going to be 8 or 9 minutes.

Senator **Stafford**. The Chair understands what you mean, Senator.

Senator **Bayh**. Mr. Chairman, I thank you and Senator Pell and other members of the committee and staff for the opportunity to testify here today on legislation which seeks to fundamentally alter the original goals of title IX, goals which included equal opportunity for women in athletics and physical education.

The issue of equal opportunity for women in athletics is not a new one. Congress' decision to uphold the coverage of athletics by title IX has been buttressed by a number of court decisions which mandated equal opportunity for women in high school and college athletics based upon the due process guarantees of the 14th amendment. See *Brenden* v. *Independent School District*, 342 F. Supp. (D. Minn. 1972), *Reed* v. *Nebraska School Activities Association*, 341 F. Supp. 1212 (W. D. Pa. 1973) and *Morris* v. *Michigan State Board of Education*, 472 F. Supp. 207 (6th Cir. 1973).

The question before this subcommittee today is whether the Congress should retreat from the full commitment it has given to provide equal opportunity for women in athletics by exempting revenue producing sports from title IX.

Mr. Chairman, it is interesting to me that in the midst of the highly vocal debate now going on over whether or not title IX should apply to either revenue producing sports in particular, or intercollegiate athletics in general, no one is making the argument that there is not discrimination against women. No football coach or athletic director is denying that there is something fundamentally wrong with a college or university that relegates its female athletes to second rate facilities, second rate equipment, or second rate schedules, solely because they are women. No one seriously disputes the fact that athletic budgets for women are a fraction of those provided for the men. Instead, the argument has focused on the ability of certain intercollegiate sports to withstand the financial burdens imposed by the equal opportunity requirements of title IX. To this end, those who feel such sports as football could not survive such financial strictures are seeking to exempt these sports from the mandates of title IX through the Tower bill, S. 2106.

As the Senate author of title IX, Mr. Chairman, I am opposed to the Tower bill, not because I am oblivious to the economic concerns of those members of the NCAA opposing title IX, but because I think their concern is based upon a misunderstanding of both what is required under the title IX regulations and the true implications of the Tower proposal.

What does title IX require of colleges and universities in order to meet their equal opportunity guidelines in intercollegiate athletics?

Do the guidelines require equal aggregate expenditures for either male and female teams or individual male and female players? The answer is no.

Do the guidelines require equal separate facilities for any intercollegiate sports? Again, the answer is no.

Do the guidelines require that women be allowed to try out for contact sports such as football or basketball? The answer is no.

Do the guidelines require that equal athletic scholarships be given to male and female athletes? The answer is no.

Do the guidelines require that certain sports must be offered for women? Again, the answer is no.

What the guidelines do require is that when a college or university chooses to offer a particular sport to male athletes, it must provide equality of opportunity for women athletes. Under the guidelines, this equality of opportunity is provided in two ways. First, with regard to contact sports, the college or university may provide separate teams for males or females or may have a single team, composed of players from both sexes. If the college or university chooses to have separate teams, the institution is prohibited from discriminating on the basis of sex in providing the necessary supplies or equipment. Nowhere in the guidelines is there a requirement for equal aggregate expenditures.

I think one example of practice or how title IX would change things is that in one institution I know of for sport *x*, say basketball to be specific, if the men are trying out for the team, and the university feels that buying the shorts and the shirts and attendant equipment is a university expense, but the women, to try out for the women's team, must bear that expense themselves. Now, I think that is probably the best example that I can give you.

In a statement by the NCAA circulated among Members of the Congress prior to the congressional approval of the title IX guidelines, the NCAA maintained:

> Throughout the entire, long debate over title IX and the DHEW regulations, the NCAA members have consistently sought—not to have revenue-producing sports exempted from title IX . . . but merely to make clear that revenues produced by a particular sport would be used to maintain the program in that sport. Excess of revenues over expenses in the sport would under the NCAA proposal be available for use throughout the intercollegiate program.

It seems clear to me that the NCAA was seeking an exemption which differs substantially from the Tower proposal in two significant ways. First, the Tower proposal addresses gross receipts and donations, not net profit, and second, the Tower proposal seeks a blanket exemption for any intercollegiate activity which provides gross receipts or donations to any institution for its support.

Under the Tower proposal, any institution's athletic programs could fall under the exemption of title IX merely by charging a nominal fee at all intercollegiate activities which produce gross receipts or donations required by the institution for the support of that sport.

The original NCAA proposal states that the concern of the NCAA was not with a total exemption for revenue-producing sports, but with an exemption for moneys produced by that sport and necessary to cover the expenses of the sport.

In other words, the net profit of the sport, not its gross receipts or initial donations.

The Tower amendment does not provide a partial exemption title IX for revenue-producing sports, it provides a blanket exemption. The only criteria necessary to achieve the exemption is the production of revenues or donations. The specific wording of the Tower bill is not directed to the moneys necessary to cover expenses of a particular sport, rather it is directed at creating a total exemption for the sport itself from title IX.

Therefore, despite the initial statement of the NCAA that the NCAA membership was not seeking such a blanket exemption from title IX, this is exactly what is created by the Tower amendment, Mr. Chairman.

In conclusion, Mr. Chairman, let me say that from the college coed to the 10-year-old longing to play little league baseball. American women have been consistently denied adequate athletic opportunities. Funding, coaching, scheduling, scholarships, and access to facilities are only a few of the areas where inequities are glaring.

Title IX attempts to address these inequities, not through rigid requirements of equal expenditures for males and females, but through an assessment of a variety of factors including student interest and participation, past history of athletic opportunities for members of both sexes, and current fiscal constraints that will vary from institution to institution.

For years women's intercollegiate athletics have had to struggle by with very little institutional assistance. For the first time, under title IX, women athletes will be afforded a true opportunity to use their skills and aptitudes. I hope that members of this subcommittee will help make sure that after years of deprivation, support will be there for women's athletic programs throughout this Nation.

I am concerned, Mr. Chairman, that this subcommittee not begin the erosion of our commitment to the women of this Nation through title IX. In this particular instance we are talking about our commitment to the women athletes throughout this Nation's colleges and universities, but once the Pandora's box of successful exemptions to title IX is opened, we will see a host of other deserving exemptions being offered.

Therefore, Mr. Chairman, I urge you and other members of the subcommittee to reject the bill of our distinguished colleague from Texas and leave the congressional commitment to women through title IX unscarred.

I might say, Mr. Chairman, I have had the opportunity, I suppose, as much as anybody in this body to study what we are trying to accomplish through title IX. It is unbelievable to me that sports programs so steeped in tradition as most of our big ten schools are suddenly going to disintegrate or even be seriously damaged or even slightly damaged by permitting the women to attend these same fine institutions and have an equal opportunity to participate in athletic programs and programs of physical education.

Senator **Stafford**. Well, Senator, the subcommittee appreciates very much your appearance here this morning, and your very helpful testimony. And we will consider very carefully, as you know we will, your testimony, and we have no questions at this time to ask you, sir, and we simply thank you for your contribution to our work.

Senator **Bayh**. Senator Stafford, I want to say to you and to Senator Pell and your staff, I appreciate your courtesy and that if there is any way in which I might assist, and questions do arise, I will be at your call. Thank you again, sir.

Senator **Stafford**. Thank you very much, Senator. We appreciate it.

The Chair now invites Margy DuVal, president, Intercollegiate Association of Women Students and Clarissa Gilbert, president, National Student Association as a panel to come to the witness table.

The Chair welcomes this panel. Since each of you appears to be accompanied by somebody else, the Chair would ask you, starting at your right, to identify yourself, before we otherwise begin.

STATEMENT OF CLARISSA GILBERT, PRESIDENT, NATIONAL STUDENT ASSOCIATION, ACCOMPANIED BY RICK MARSDEN SPEAKER OF TWIN CITIES STUDENT ASSEMBLY, UNIVERSITY OF MINNESOTA; AND MARGY DUVAL, PRESIDENT, INTERCOLLEGIATE ASSOCIATION OF WOMEN STUDENTS, ACCOMPANIED BY MARGIE CHAPMAN, PAST PRESIDENT OF IAWS, A PANEL

Mr. **Marsden**. Mr. Chairman, I am Rick Marsden, speaker of the Twin Cities Student Assembly of the University of Minnesota.

Ms. **Gilbert**. I am Clarissa Gilbert, president of the United States National Student Association.

Ms. **DuVal**. I am Margy DuVal, president of the Intercollegiate Association of Women Students.

Ms. **Chapman**. I am Margie Chapman, past president of the Intercollegiate Association of Women Students, and a student at the University of Arkansas.

Senator **Stafford**. Thank you very much. We appreciate your being here. We have two written statements, and the Chair will invite you to either read the statements, or if you prefer, due to the length of the statements, it might be better for you and for the committee if you extemporaneously summarized your statements and left time for questions that may occur to the subcommittee, and the Chair won't attempt to tell which one of you to proceed. We will invite you to make that decision.

Ms. **Gilbert**. I would speak first.

We would like to thank the committee for inviting the National Student Association to testify on Senate bill 2106 to amend title IX of the Higher Education Amendments of 1972. The United States National Student Association, now in its 28th year, is the oldest and largest student organization in the country, representing some 750 member student government associations. Our membership includes schools from all 50 States and institutions of every type; including public and private, secular and nondenominational, single-sexed and coeducational, from only several hundred students to campuses of over 40,000 students.

Joining me in my presentation today is Mr. Rick Marsden, speaker of the Twin Cities Student Assembly of the Student Government of the University of Minnesota, a member school of NSA.

We welcome this opportunity to present the student viewpoint on this proposed legislation.

In June of 1972, Congress passed the landmark title IX of the Education Amendments to prohibit sex discrimination in all educational institutions receiving Federal funds. The regulations for title IX went into effect July 21, 1975, after a 45 day congressional review period.

The regulation requires schools to provide equal athletic opportunity for both sexes, that is to say the Department of HEW will determine whether the selection of sports and the levels of competition effectively accommodates the interests and abilities of both sexes. Equal expenditures are not required.

The Tower bill, S. 2106, would amend title IX by adding the following: "(6) This section shall not apply to an intercollegiate athletic activity insofar as such activity provides to the institution gross receipts or donations required by such institution to support that activity."

We strongly believe that such an amendment to title IX would help perpetuate the very inequities that the law was enacted to eliminate. Nowhere in education has discrimination been more pronounced and pervasive than in athletics. Only surplus revenues would be covered by title IX; the gross inequities in institutional subsidies to male and female intercollegiate athletics would continue. The Tower bill would prepetuate the years of past discrimination in sports by allowing it to occur whenever money is involved. The exempt revenue-producing athletics from coverage is to literally keep the ball out of the game for hundreds of thousands of students.

Learning to develop and enjoy one's physical capacities is essential to a person's health and well-being. It is our belief that the focus of intercollegiate athletics should remain on individual participants in their role as college students. The primary justification of an athletic program in a college curriculum must be not its commercial benefit but its educational value. Athletics are an integral part of the institution's educational programs.

The courts have upheld this position in many rulings in title VI, which title IX is patterned after. Congress itself, in the general education amendments of 1974, ordered HEW to include provisions for athletics programs in its title IX regulations.

In the long run, athletics programs in the future will be very different from what they are now, but the change is a necessary change in a system in which often 95 percent of the student body pays through activities fees, for the other 5 percent to develop their physical potentials. We cannot believe that the unamended title IX regulations will make the colleges or universities move too fast in opening up opportunities for women in athletics. The regulations already exempt contact sports including not only football but also basketball, one of the most popular women's intercollegiate sports, and the most likely to gain media attention and generate revenues.

The ability of men's sports programs to generate revenue, when that actually occurs, is largely the function of the current and past financial subsidies provided to the men's teams by their institutions.

Women's teams have not received such institutional support over the years and therefore have not had equal opportunity to develop the ability to generate revenue. In the few instances where female teams have received significant subsidies, spectator support and gate receipts have increased dramatically. At Queens College of the City University of New York, the school I attended, our women's basketball team is the No. 2 team in the country, and when that team played at Madison Square Garden, more than 16,000 students and spectators attended the women's game.

But I must emphasize that while spectator interest is to be sought and encouraged, such commercial interest is not a legitimate primary purpose for intercollegiate athletics programs.

We wish to refer the committee to a reprint from the September 1974 issue of Women Sports Magazine. The graph on page 37 points out the vast differences between the funding of women's and men's athletics budgets at several major universities for the school year 1974–75. Some of these schools are the exception, rather than the rule, not because they discriminate against women but because they run economically successful athletic programs. A majority of the Nation's teams operate at a deficit.

The argument that women's sports programs will be hurt if the revenue-producing sports are not exempted by the Tower bill is simply not true. First, contact sports are already protected by a specific exemption of title IX regulations. Second, most of these so-called revenue-producing teams are not producing revenue anyway. Third, the ones which contribute little or nothing of their budgets to women's sports programs. And we question the assumption that bringing women into a more equal position in college athletics will lower revenues. This is another case of telling women their labors have no monetary value. Remember, Billy Jean King, a woman, was in the forefront of making tennis a revenue-producing professional sport. Many women are avid sports fans; I count myself among them, but what we want now is an opportunity to move from spectator to participant and to have the opportunity to cheer for members of both sexes. To oppose the Tower bill is not to oppose football but rather to support the development of athletic programs for all students (see p. 4 of prepared statement).

If the Tower amendment is approved, an institution could have a substantial intercollegiate program for males and none whatsoever for females. It could claim that financial exigency prevented the development of a women's program because most of its moneys "were required . . . to support" the men's intercollegiate program, because the bill's language does not define the phrase what is "required to support" nor name who determines what is required.

The bill's language similarly fails to define "gross receipts or donations," so any institution's athletic program could claim exemption simply by charging a nominal spectator fee for all intercollegiate events.

Nor is there a definition of the term "intercollegiate athletic activity." It is not clear if activity means a team or a particular sport as a whole. If a men's basketball team were considered a separate activity from the women's team, the women's team could be denied travel funds, facilities, coaching, et cetera by this amendment. Enormous discrimination would be sanctioned by such linguistic ambiguities and should not be allowed.

This amendment would also exempt intercollegiate sports from the essential self-evaluation requirement of the title IX regulations. All athletic scholarships could be limited to men. Budgets for recruitment could be limited to men only. The ramifications of this amendment are endless, but one thing is clear: passage of Senate bill No. 2106 would radically limit the opportunity for a majority of American students to participate in intercollegiate sports programs. The very ambiguity of the language could lead to new forms of discrimination.

Title IX will not ruin intercollegiate sports. Former Secretary Weinberger, in his June 26, 1975, testimony before the House Subcommittee on Postsecondary Education, summarized the title IX regulation in the following manner—but in the interest of time I will not quote from his testimony.

However, I would like the summary included in the record. (See pp. 6–7 of prepared statement.)

According to former Secretary Weinberger:

> Where selection for a team is based on competitive skill, or the activity involved is a sport involving physical contact between players, then the college can provide separate teams for males and females, or if they wish, they can have a single team open to both sexes. If separate teams are offered, a recipient institution may not discriminate on the basis of sex in providing necessary equipment or supplies, or in any other way.
>
> I emphasize again that equal aggregate expenditures are not required. In determining whether equal opportunities are available, such factors as the following, among others, will be considered: whether the available sports reflect the interests and abilities of both sexes; provision of supplies and equipment; game and practice schedules; travel and per diem allowances, et cetera.
>
> Where a team in a noncontact sport, the membership of which is based on skill, is offered for members of one sex and not for members of the other sex, and athletic opportunities for the sex for whom no team is available have previously been limited, individuals of that sex must be allowed to compete for the team offered. However, this provision does not alter the responsibility which a college has with regard to the provision of equal opportunity.

Equal opportunity is the law of the land, and it should not be circumvented in order to protect the interests of a small minority. Equal educational opportunity will become a reality only if it is supported by strong and vigorously enforced Federal legislation. Title IX is now just such a piece of legislation.

Mr. Chairman, members of the committee, I thank you for the opportunity to present the views of my constituents, the American college students in this matter.

Senator STAFFORD. Thank you very much for your very helpful testimony. The Chair does not intend to be really serious, but the Chair suggests that if the National Football League should go out on strike this afternoon it may be a great chance for you ladies to take that spot over.

And now we will invite Margy DuVal to testify.

Ms. DUVAL. Thank you, Mr. Chairman.

I would also like to introduce Margie Chapman, who is the past president of IAWS. We would like to thank the committee for giving the Intercollegiate Association of Women Students this opportunity to testify on the proposed Tower amendment, S. 2106, which would exempt intercollegiate athletics from the sex discrimination provisions of title IX of the Education Amendments of 1972.

The IAWS represents some 200,000 college students across the Nation, and is the only national organization for all college women. IAWS was founded in 1923, formed from several regional associations established in 1913. This places IAWS among the oldest national student organizations in the country. IAWS is committed to the development of programs and resources encouraging women to identify and utilize their individual potentials as educated and competent persons throughout their lives.

Since IAWS represents one of the largest segments of the American population which will be directly affected by legislation concerning sex discrimination in education institutions, IAWS vigorously supported title IX of the Education Amendments of 1972, which prohibits all forms of sex discrimination in federally assisted educational programs.

An overriding concern of IAWS now is for the swift implementation of the title IX regulation. Discrimination against women students by their own schools is morally indefensible. One of the areas in which women students have been most grossly discriminated against is in athletics. HEW had already taken 3 years to promulgate the title IX regulation. To begin immediately to narrow the coverage of title IX is to tell women students—your daughters—that they don't deserve a sporting chance.

With the introduction of S. 2106 by Senator Tower, we are again faced with a legislative proposal which would not only perpetuate the very inequities that title IX was enacted to eliminate, but would also, if passed, mark the first major retreat in any woman's rights legislation in education enacted by Congress.

Because the proposed Tower amendment would so seriously undermine the legal mandate of title IX and its regulations, IAWS strongly opposes the proposed Tower amendment, S. 2106, and urges this committee to vote against the Tower amendment.

Title IX and its regulations already contain serious deficiencies. If enacted, the Tower amendment would remove all remaining incentives to eliminate inequities affecting women in sports.

If anything, the regulation does not do enough for women's sports. Therefore, instead of limiting women's opportunities in athletics by legislative proposals, such as the Tower amendment, Congress should be considering legislative devices to expand women's intercollegiate athletic opportunities.

The provisions of the title IX regulation now in effect virtually assure perpetuation of severely limited opportunities for women in athletic programs. The provision giving secondary and postsecondary institutions a 3-year adjustment period to fully comply with the regulation effectively removes all impetus for educational institutions to eliminate inequities affecting women athletes and coaches. In the meantime, the 3-year grace period encourages college administrators to use this time to further retard the provision of equal opportunities for girls and women in sports. For example, women athletes who were in the 10th grade in high school when title IX was enacted into law in 1972 will, in all probability, have already graduated from college before any real protection against discrimination in athletics is afforded to young women.

Other athletic provisions which bear close watching because of the possibility of fostering continued discrimination against women include the standards concerning equal opportunities for women in sports and the contact sports provision. Thus, if any action is warranted by Congress, it should come in the form of legislation aimed at eliminating existing inequities in the title IX regulation, not at watering down what protections women already have. Certainly legislative proposals such as the Tower amendment must be blocked. To do otherwise is to congressionally sanction continued discrimination against women in athletic programs.

Congressional action to severely limit the application of the title IX regulation is premature at this time. Since the HEW regulation implementing title IX only took effect on July 21, 1975, congressional action to further weaken what legal protections remain for women athletes in the already watered-down provisions is both totally unwarranted and premature.

Additionally, the Tower amendment does not address a known danger to men's intercollegiate athletics. Rather, it is aimed at a phantom, an imaginary danger which may in fact materialize. There can be no moral or reasonable defense of passing a bill which clearly discriminates against women's athletics because some people fear—but do not know for sure—that it may someday change men's athletics.

As this title IX regulation now stands, title IX will certainly not bring about the demise of men's intercollegiate sports programs.

And again I refer you to Secretary Weinberger's statement. [See pp. 3–4 of prepared statement.]

An important additional point to be made is that: Title IX will not be the red pencil which eliminates athletic scholarships for minority male athletes from the college budget. Indeed, title IX should provide some incentive for institutions to start to provide minority females with the same types of athletic scholarship opportunities that have paid for the education of a number of their male counterparts. This point should be given greater attention because minority women are too often overlooked in attempts to provide benefits or opportunities to minorities in general.

Finally, actions taken at NCAA's recent emergency conference on financing indicates that the NCAA is already "ruining" itself, primarily because of its own excesses. This fact was recently underscored by Newsday sports columnist Sandy Pawde, when he said, and I quote:

> If college athletic programs face deep financial problems, the root of the trouble started long before title IX. Today's problems go back to the lack of vision of the (Walter) Byers years in the NCAA and the lack of planning by men like (Darrell) Royal and (Bear) Bryant and other coaches and athletic directors.
>
> These are the men who overstaffed their football and basketball programs, who spent thousands on feeding athletes at special training tables, who traveled their states and the country looking for athletic talent, who drew up schedules demanding expensive plane and hotel bills, who lavishly carpeted and furnished their athletic dormitories and locker rooms and made gods out of high school athletic stars. [Newsday, July 20, 1975.]

Clearly the financial shambles of men's intercollegiate athletics cannot be blamed on title IX or women's sports programs. The NCAA itself has estimated that current annual deficit of its members is almost $50 million. And this is no doubt a conservative estimate of the deficit.

The Tower amendment falsely presupposes that men's intercollegiate sports programs make a profit or are at least financially self-supporting. This assumption is completely out of touch with the financial reality. These programs lose money.

The rationale for S. 2106 is founded upon Senator Tower's erroneous assumption that intercollegiate athletic programs such as men's football and basketball are not only financially self-sufficient, but generate a surplus that in turn finances nonrevenue producing athletic programs.

As previously emphasized, at least 9 out of 10 college athletic departments operate at a deficit. Since practically all women's collegiate sports programs are under physical education departments while men's intercollegiate sports are operated by universities' athletic departments, it is clear that most men's intercollegiate athletic programs are not financially self-sufficient. Rather, they pose a serious financial drain on the educational budget.

A prime example of intercollegiate athletic programs which are operating in the red is the men's sports at TCU, Texas Christian University. As reported in the Texas Christian University's alumni magazine, the athletic spending at TCU has been in the red since the 1967–68 season, with the deficit for 1972–73 running better than $220,000. And these are supposed to be self-sustaining sports.

The behavior of the NCAA since title IX was enacted in 1972 in no way supports Senator Tower's thesis that nonrevenue producing sports are usually financed by the surplus over that amount necessary to pay for the revenue-producing activity or activities. The NCAA has had 3 years since title IX went into effect to produce documentation that NCAA athletic programs, such as football, generate a financial base of the magnitude suggested by Senator Tower. During these last 3 years the NCAA has not come forward with any financial data to support either their claims or Senator Tower's assumptions.

IAWS believes that if the NCAA were forthcoming with this financial data, most men's intercollegiate athletic programs would be shown to be expensive luxuries.

Senator Tower stated that this bill was prompted by not only his concern for intercollegiate athletics, but also by his very strong feeling that women should be afforded equal access and opportunity in sports activities.

S. 2106 in its present form may be interpreted so broadly as to sabotage the whole effort to provide equal athletic opportunities for women. Although the purported intent of the bill is to protect the profits, the gross receipts minus the operating expenses, of intercollegiate sports, the language of the bill does much more than that.

Senator PELL [presiding]. Additionally, no one has yet been able to define the term "intercollegiate athletic activity." It is not clear if activity means a team, club sport, or a particular sport as a whole.

Another problem is that there are no definitions of what is required by such institutions to support intercollegiate activities, nor is it clear who determines what is required. If the college or university determines what is required, the potential for abuse is enormous. First-class airfares and blazer jackets could be viewed as necessary for male athletes while women athletes paid for their own uniforms and travel.

Also, there are no definitions of gross receipts or donations. Any institution's athletic program could fall under the exemption by merely charging a nominal fee at all intercollegiate events, even those that have been traditionally free.

Students, male and female, could be forced to subsidize men's intercollegiate athletic activities by having the fee for admission incorporated into a compulsory activities fee. This money would be considered a part of the gross receipts. This is a common practice.

For example, the University of Maryland raised $700,000 by compulsory student fees. The total budget for women's intercollegiate sports was about $60,000. And at the University of Kansas, allocations from student activity fees to women's sports were cut last February in order to allocate more to men's sports.

At Ohio State University, where men operate on a $6-million budget, the female swimmers use the pool from 6:30 am to 9 am, and again at dinnertime, when the men don't want it.

At Southern Methodist University, the women's tennis team, which is ranked among the top 20 in the Nation, cannot practice on the new men's varsity courts; instead, women tennis players must practice on hazardous and often slick intramural courts which have been excessively worn by the many years of use.

Further, the SMU women's swimming team has encountered similar inequities in the use of the varsity pool. All in all, female varsity swimmers are given little pool time to practice for their swim meets. Last year the women's varsity swim team was required to enroll in a regular swimming course at SMU in order to obtain practice time. Since the swimming class met only 3 times a week for 45 minutes each session, the women swimmers were still only able to practice slightly over 2 hours each week. The gross inequity of forcing women athletes to, in effect, pay with tuition money for the right to practice for their varsity swim meets is appalling. On the few occasions when women swimmers at SMU have been provided use of the varsity pool to practice, they were allowed to use the pool only when the men didn't want it; in this case, from 6 am to 6:45 am. Despite these inequities, the SMU's women's swim team still managed to rank third in the State of Texas in women's intercollegiate swim meets last year.

Institutions could use the Tower amendment to perpetuate the discriminatory status quo.

Institutions could perpetuate innumerable inequities in women's athletics by claiming that certain important services or benefits were required to support men's teams. For example, a school could claim that scholarships were required to support some activities such as football, but not required to support other activities such as women's basketball.

If the Tower amendment became law schools would be under no obligation to raise any money for women's scholarships. They could continue to limit all athletic scholarships to men only. As things stand now, many institutions have no or very few scholarships for women, even though they offer numerous scholarships to men.

Similarly an institution could justify having team doctors and health insurance for male athletes as required to support the team.

The Tower amendment distorts the real reason for intercollegiate athletics on campus. The only valid reason to have intercollegiate athletics is for their educational value and to benefit students.

In conclusion, IAWS believes these examples to be only the tip of the iceberg. The amount of money required to remedy discrimination is a sign of how serious the discrimination has been. Rather than using that argument against the victims of discrimination, it should be a sign that we have to move forward all the more quickly to remedy the disparities. To say that money is a reason to continue discriminating against women students is to deny the fundamental democratic principles upon which this Nation was founded.

Thank you very much.

Senator **Pell**. The committee recognizes that there have been problems in the past, and these regulations are seeking to meet a very real problem. The issues you have cited or read in your statement are really very telling, and indeed the committee is aware of them.

I would like to ask you if in your own cases, you have seen any positive effect or any good effect in your own schools with regard to athletics, both intramural and intercollegiate since the title IX regulations went into effect? Have they had a noticeable impact?

Ms. **Gilbert**. I would like to answer that in two ways.

Senator **Pell**. Certainly.

Ms. **Gilbert**. As I mentioned before, in my own school Queens College of the City University of New York the women's team was the No. 2 team in the country, and it has helped it in two ways.

First of all, our first basketball game at Madison Square Garden was the first women's basketball game in the country and 16,000 spectators attended. It was one of the largest showings ever in the country.

Second, because of this it has helped the men's team, you see, because the women's team is so good, they received all the facilities and they received all the travel funds that at other schools go to the men's basketball team. An article in the New York Times the men's coach was quoted saying how delighted he was because now he has equal access, and his team has equal access to the gymnasium, and to the travel funds, and to related facilities and funds. So it has helped the men's team, in the same manner as I hope it has also helped women's programs across the country.

Senator **Pell**. Have you all noticed a positive effect in your institutions?

Ms. **Chapman**. I am from the University of Arkansas, and yes, there has been a positive effect, but the positive effect is only a very slight effect so far. The positive effect that we have seen mostly came in the form of increased funding to women's athletics.

However, I would point out to the chairman that still at the University of Arkansas only $13,000 is given to the women's program while Frank Rolls has some $2 million in the men's football program.

We have seen, you know, some benefit, but again, we fear that the Tower amendment, if enacted, would take away what impetus there is to increase these benefits to women students.

Senator **Pell**. What do you think of the compromise or the thought that emerged earlier that net revenue would be treated differently from gross income. For instance, the moneys necessary to pay for a sport would be exempt from the provisions of title IX, but the rest, any surplus income or profit, would fall under it. An example was cited that at one university they spent $600,000 on their football team, and it produced $2 million, and the thought was that perhaps the $600,000 would be exempt, and they could use it for the men's team in football, but the $1.4 million that was netted would be handled according to the HEW regulations. Does that make sense to you?

Mr. **Marsden**. Mr. Chairman, that seems to be a very legitimate way to approach it at first glance, but it is misleading. The problem is that we need strong guidelines on how this figure would be determined: What moneys would be considered necessary and what constitutes a revenue producing sport. There could be really massive abuse of such a compromise, and in a majority of the universities concerned I think there would be.

Senator PELL. That's right, the cheerleaders, the stadium, and various other items would have to be either specifically included or excluded, as all inclusions and exclusions would have to be spelled out.

Mr. MARSDEN. Right.

Senator PELL. And I can see this being a possible line of compromise, and by the same token, I think the time will come when women's athletics teams may acquire more of an audience, as has already occurred in tennis, and then the same rules would apply as to the men. Any team that produces more than it costs to run may deduct legitimate expenses and upkeep for its own use, but the net proceeds would then go into general funds.

Ms. GILBERT. Senator Pell, there is also the whole attitude about revenue producing sports as commercial enterprises. Colleges and universities are first and foremost educational institutions. Moneys generated by one department's activities should benefit the university as a whole, not merely the project or activity which produced the revenue. We are not talking about a profit-oriented corporation or business. We are talking about education for all students in this country. Revenue producing sports should go to all students, men or women. It does not matter what the specific program is, and it is supposedly to provide an education. The physical activity program should be aimed at students, not just as spectators but as participants. It is a question of educational opportunity. No physical education department gives a degree.

[The prepared statement of Ms. Gilbert on behalf of the National Student Association along with additional material follows:]

TESTIMONY OF THE UNITED STATES NATIONAL STUDENT ASSOCIATION
BEFORE THE
SENATE COMMITTEE ON EDUCATION ON S.2106
THE TOWER AMENDMENT TO TITLE IX OF THE [1972] EDUCATION AMENDMENTS

We would like to thank the Committee for inviting the National Student Association to testify on Senate Bill 2106 to amend Title IX of the Higher Education Amendments of 1972. The U.S. National Student Association, now in its 28th year, is the oldest and largest student organization in the country, representing some 750 member student government associations. Our membership includes schools from all fifty states and institutions of every type; public and private, secular and non denominational, single sex and co-ed, from a few hundred to more than 40,000 students.

[illegible]

Joining me in my presentation today is Mr. Rick ~~Evans~~, [illegible] ~~President~~ of the Twin Cities Student Assembly, the student government of the University of Minnesota, a member school of N.S.A.

We welcome this opportunity to present the student view point on this proposed legislation.

In June 1972, Congress passed the landmark Title IX of the Education Amendments to prohibit sex discrimination in all educational institutions receiving federal funds. The regulations for Title IX went into effect July 21, 1975 after a 45 day Congressional review period.

The regulation requires schools to provide equal athletic opportunity for both sexes, that is to say the Department of H.E.W. will determine whether the selection of sports and the levels of competition effectively accommodates the interests and abilities of both sexes. Equal expenditures are not required.

The Tower Bill, S. 2106, would amend Title IX by adding the following: "(6) This section shall not apply to an intercollegiate athletic activity insofar as such activity provides to the institution gross receipts or donations required by such institution to support that activity." We strongly believe that such an amendment to Title IX would help perpetuate the very inequities that the law was enacted to eliminate. Nowhere in education has discrimination been more pronounced and pervasive than in athletics. Only surplus revenues would be covered by Title IX, the gross inequities in institutional subsidies to male and female intercollegiate athletics would continue. The Tower Bill would perpetuate the years of past discrimination in sports by allowing it to occur whenever money is involved. To exempt revenue producing athletics from coverage is to literally keep the ball out of the game for hundreds of thousands of students.

Learning to develop and enjoy one's physical capacities is essential to a person's health and well being. It is our belief that the focus of intercollegiate athletics should remain on individual participants in their role as college students. The primary justification of an athletic program in a college curriculum must be not its commercial benefit but its educational value. Athletics are an intergral part of an institution's educational program. The courts have upheld this position in many rulings in Title VI, which Title IX is patterned after. Congress itself, in the general education Amendments of 1974, ordered H.E.W. to include provisions for athletics programs in its Title IX regulations.

In the long run, athletics programs in the future will be very different from what they are now, but the change is a necessary change in a system in which often 95% of the student body pays through activities fees, for the other 5% to develo! their physical potentials. We cannot believe that the unamended Title IX regulations will make the colleges or universities move too fast in opening up opportunities for women in athletics. The regulations already exempt "contact sports" including not only football but also basketball, one of the most popular womens intercollegiate sports, and the most likely to gain media attention and generate revenue.

The ability of men's sports programs to generate revenue, when that actually occurs, is largely the function of the current and past financial subsidies provided to the men's teams by their institutions. Women's teams have not received such institutional support over the years and therefore have not had equal opportunity to develop the ability to generate revenue. In the few instances where female teams have received significant subsidies, spectator support and gate receipts have increased dramatically. But I must emphasize, that while spectator interest is to be sought, and encouraged, such commercial interest is not a legitimate primary purpose for intercollegiate athletics programs.

We wish to refer the Committee to a reprint from the September 1974 issue of WomenSports Magazine. The graph on page 37 points out the vast differences between the funding of women's and men's athletics budgets at several major universities for the school year 1974-75. Some of these schools are the exception, rather than rule, not because they discriminate against women, but because they run economically successful athletics programs. According to the National Collegiate Athletics Association's (NCAA) own figures, fewer than one-fifth (1/5) of their members clear more than expenses in more than one sport, and most bigtime athletics programs are indebt. The NCAA estimates the annual sports deficits of its own members at $50 million. The NCAA represents some 750 institutions with only about 100 offering extensive intercollegiate sports programs. Some 2,000 other institutions are not members and are even more likely to operate at a deficit. A majority of the nations college sports teams are not producing revenue at all, but actually creating indebtedness. We believe that this is partly due to the fact that many programs are geared towards the spectator, not the participant.

The argument that women's sports programs will be hurt if the revenue producing sports are not exempted by the Tower amendment is simply not true. First "contact sports" are already protected by a specific exemption in the Title IX regulations. Second most of these so-called "revenue producing" teams are not producing revenue anyway. Third, the ones which are, contribute little or nothing of their budgets to women's sports programs. And we question the assumption that bringing women into a more equal position in college athletics will lower revenues. This is another case of telling women their labors have no monetary value. Remember, that Billy Jean King, a woman, was in the forefront of making tennis a revenue producing professional sport. Many women are avid sports fans, I count myself among them, but what we want now is an opportunity to move from spectator to participant and to hav e the opportunity to cheer for members of both sexes. To oppose the Tower Bill is not to oppose football but rather to support the development of athletics programs for all students.

If the Tower Amendment is approved, an institution could have a substantial intercollegiate program for males, and none whatsoever for females. It could claim that a financial situation prevented the development of a women's program because most of its monies "were required...to support" the men's intercollegiate program -- because the bill's language does not define the phrase what is "required...to support" nor name who determines what is "required."

The bill's language similarly fails to define "gross receipts" or"donations" so any institution's athletic program could claim exemption simply by charging a nominal spectator fee for all intercollegiate events.

Nor is there a definition of the term "intercollegiate athletic activity." It is not clear if "activity" means a team or a particular sport as a whole. If a man's basketball team were considered a separate activity from the woman's team, the woman's team could be denied travel funds, facilities, coaching, etc., by this amendment.

Enormous discrimination would be sanctioned by such linguistic ambiguities and should not be allowed.

This amendment would also exempt intercollegiate sports from the essential self evaluation requirement of the Title IX regulations. All athletic scholarships could be limited to men. Budgets for recruitment could be limited to men only. The ramifications of this amendment are endless but one thing is clear: Passage of Senate Bill No. 2106 would radically limit the opportunity for a majority of American students to participate in intercollegiate sports programs. The very ambiguity of the language could lead to new forms of discrimination.

Title IX will not ruin intercollegiate sports. Former Secretary Weinberger, in his June 26, 1975 testimony before the House Subcommittee on Post-Secondary Education, summarized the Title IX regulation in the following manner:

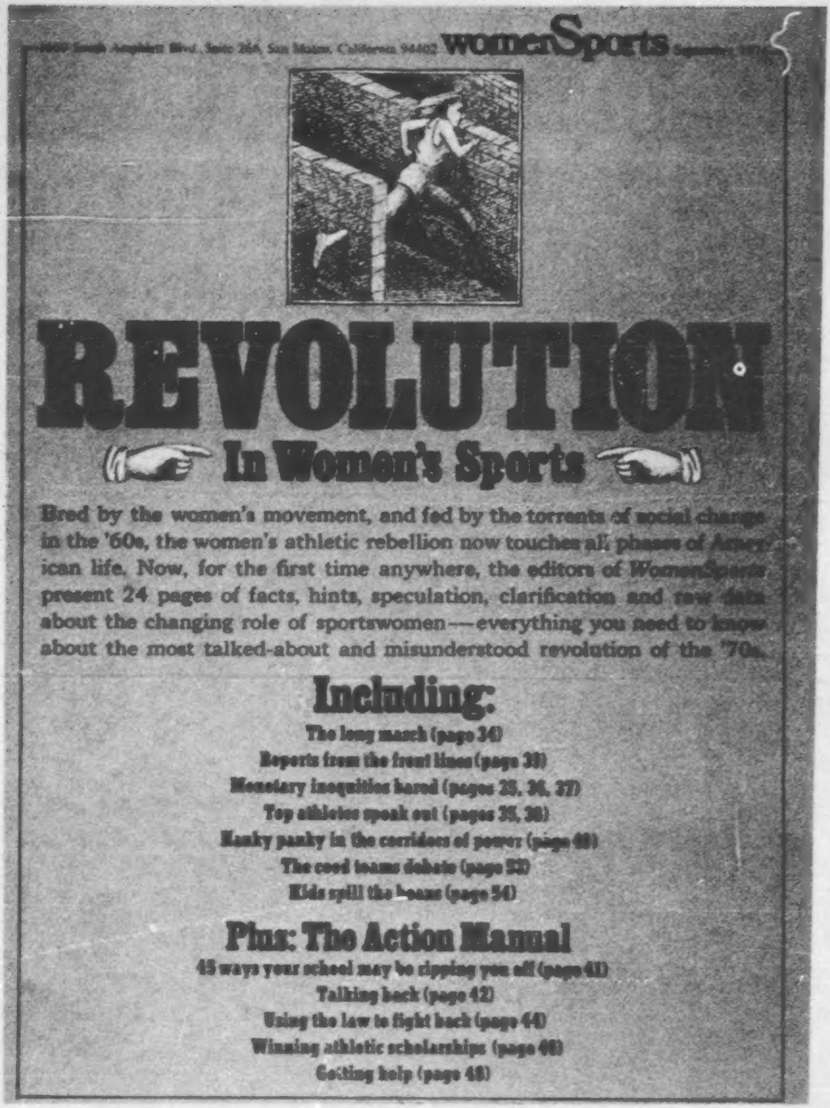
> "With regard to the provision on athletics, first let us look at that the regulation does not require.
> (1) It does not require equal aggregate expenditures for members of each sex or for male and female teams.
> (2) It does not require two separate equal facilities for every (or any) sport.
> (3) It does not require women to play football with men.
> (4) It will not result in the dissolution of athletics programs for men.
> (5) It does not require equal moneys for athletic scholarships.
> (6) It does not require coeducational showers, lockerrooms and toilet facilities.
> (7) It does not mean the National Collegiate Athletic Association (NCAA) will be dissolved and will have to fire all of its highly vocal staff.
> The goal of the final regulation in the area of athletics is to secure equal opportunity for men and women while allowing schools and colleges flexibility in determining how best to provide such opportunity.

In the interests of time I would like the balance of the summary included in the record.

> Where selection for a team is based on competitive skill, or the activity involved is a sport involving physical contact between players, then the college can provide spparate teams for males and females or if they wish, they can have a single team open to both sexes. If separate teams are offered, a recipient institution may not discriminate, on the basis of sex, in providing necessary equipment or supplies, or in any other way. I emphasize again that equal aggregate expenditures are not required. In determining whether equal opportunities are available, such factors as the following, among others, will be considered: whether the available sports reflect the interests and abilities of both sexes; provision of supplies and equipment; game and practice schedules; travel and per diem allowances, etc.
>
> Where a team inaa non-contact sport, the membershap of which is based on skill, is offerdd for members of one sex and not for members of the other sex, and athletic opportunities for the sex for whom no team is available have previously been limited, individuals of that sex must be allowed to compete for the team offered. However, this provision does not alter the responsibility which a college has with regard to the provision of equal opportunity."

Equal opportunity is the law of the land, and it should not be circumvented in order to protect the interests of a small minority. Equal educational opportunity will become a reality only if it is supported by strong and vigorously enforced federal legislation. Title IX is now just such a piece of legislation.

Mr. Chairman, members of the Committee, I thank you for the opportunity to present the views of my constituents, the American college students in this matter.



1660 South Amphlett Blvd., Suite 266, San Mateo, California 94402 **womenSports** September 1974

REVOLUTION

In Women's Sports

Bred by the women's movement, and fed by the torrents of social change in the '60s, the women's athletic rebellion now touches all phases of American life. Now, for the first time anywhere, the editors of *WomenSports* present 24 pages of facts, hints, speculation, clarification and raw data about the changing role of sportswomen—everything you need to know about the most talked-about and misunderstood revolution of the '70s.

Including:

The long march (page 34)
Reports from the front lines (page 38)
Monetary inequities bared (pages 35, 36, 37)
Top athletes speak out (pages 35, 38)
Hanky panky in the corridors of power (page 40)
The coed teams debate (page 52)
Kids spill the beans (page 54)

Plus: The Action Manual

45 ways your school may be ripping you off (page 41)
Talking back (page 42)
Using the law to fight back (page 44)
Winning athletic scholarships (page 46)
Getting help (page 48)

Urgent Message

Title IX of the Education Amendments Act, which prohibits sex discrimination in schools, has been law since 1972. But a law is toothless without enforcement. In June 1974, HEW made public a draft of its Title IX enforcement regulations. The public has until October 15 to comment. HEW officials will then send a final draft to the President to be signed into law. Special interest groups representing big-time male sports are campaigning hard to weaken the regulations.

From the women's point of view, the regulations are surely not perfect. They cover all phases of school athletics, despite desperate attempts by the NCAA to have athletics and revenue-producing sports exempted. Coed physical education courses are mandatory. Single-sex teams are permitted as long as the sexes have equal access to facilities, equipment and so on. Coed teams are permissible, provided that women are not effectively excluded from participating because of differences in skills. Equal funding for men's and women's athletics is not required but there must be basic equality in the programs offered. Unfortunately, the regulations are rather vague about just what basic equality means. Schools that choose to interpret the regulations loosely, therefore, can hedge until HEW gets around to investigating them.

Another possible loophole is the section on athletic financial aid, which says that aid can be awarded on a separate basis to men and women on single-sex teams.

To get your own copy of the regulations, write to the Washington office of HEW's Office for Civil Rights, or to your regional HEW office.

HEW is being flooded with mail from those who support further dilution of the regulations, so it's essential that women's opinions be heard. Women's groups are advising that letters to HEW applaud the decision to include revenue-producing sports, but ask that schools be given more guidance on which policies will be illegal. Send comments to Peter Holmes, Director, Office for Civil Rights, HEW, Washington, D.C. 20201.

THE LONG MARCH

1 A Few Big Steps

Yes, things are still tough for the woman athlete. Budgets, purses and salaries are still significantly below men's levels. Equipment is scarce and elderly. There are more than a few schools where the guys get outfitted from helmet to jock strap and the girls get a faded T-shirt. There are still colleges where women athletes sell apples at men's football games to pay their traveling expenses. We have not yet achieved Utopia.

But things are definitely better. For the first time since the dawn of civilization, a number of women are able to make their livings as professional athletes. State associations are increasing the number of high school championship events held for women. Even the Amateur Athletic Union, never a front-runner in women's rights, sponsored its first women's national marathon last February.

All over the country, rules, policies and timeworn attitudes toward women athletes are coming under fire. "The most positive sign of change," says Carol Gordon, president of the Association for Intercollegiate Athletics for Women (AIAW), "is that people are taking a critical look at the situation and coming to grips with the idea of women's sports." UCLA has tripled its women's athletic budget from $60,000 to $180,000 for the coming year and opened its formerly all-male varsity teams to women. Ohio State's marching band opened its ranks to women for the first time last year, breaking a time-honored tradition of 94 years. And the board of education in Shelby County, Tennessee, lifted a 30-year-old ban on girls' high school basketball just last May.

And the future looks even better. After two years of negotiations, HEW finally released its official draft of the regulations for the controversial Title IX clause of the Education Amendments Act of 1972. The regulations affirm the right of women to participate equally in all phases of athletics and will, when officially passed, make a number of traditional school policies that discriminate against female athletes illegal.

This alone is a big step. A few years ago, no one wanted to hear the horror stories from the forgotten ghetto of women's athletics. No one, except the athletes, thought it very important that Minnesota high schools had no women's interscholastic teams; that the University of Washington had no women's intercollegiate teams; that male contestants were sent to the Olympics long before the female athletes so that the men could have the benefits of increased training time. No one was too concerned that Carol Mann, top golfer in 1969, won one-quarter as much as the top male golfer, Frank Beard. No one challenged the belief that boys were naturally better athletes than girls or that they were twice as tough. Football was a big man's sport; Little League, a little man's game.

But change was in the wind. There was an increasing concern about health and physical fitness, and interest in sports picked up. The Women's Olympic Committee made attempts to reach girls at a younger age, to give them the kind of early training they would need to become top-level competitors. The greatest impetus to the revolution in women's sports, however, was the influence of the women's rights movement which made both sexes aware of the huge inequities in every area of work and play, and made it easier for women to demand access to the money, the training and the facilities available to the other sex.

As the inequities became obvious, and therefore intolerable, a few women began to do something about them. In 1969, Phyllis Graber, a high school tennis player, challenged a ruling in New York State that prohibited girls from competing on boys' teams —and New York launched its successful experiment in coed teams. In 1972, 12-year-old Maria Pepe, with the assistance of the National Organization for Women (NOW), filed suit for the right to compete on her Little League team in Hoboken, New Jersey. That same year, the Indiana Supreme Court ruled that the Indiana State High School Association could not keep girls from competing with boys in interscholastic non-contact sports; Barbara Dunn was appointed boxing commissioner of Connecticut, the first woman ever to hold such a position; and coeds in Florida filed suit against the AIAW in protest of its ban on scholarships for women. In Washington, D.C., Congress passed the Education Amendments Act of 1972, which contained Title IX, the clause forbidding discrimination on the basis of sex in just about every school in the country.

As the 1973-74 school year ended, girls were competing on boys' teams in high schools in over a dozen states and in junior colleges and colleges nationwide. Most were competing in non-contact sports, but there were others who were scrambling with the guys on basketball, volleyball and soccer teams. Over 50 colleges were offering scholarships to women. And the Little League, after a series of court cases in 21 states, officially welcomed little girls.

Women had made careers for themselves in traditionally male sports. Mary Bacon was one of the top ten money-winning

by Ellen Weber

[illegible]

jockeys in the country. Women were also working on the sidelines, not as pompon girls, but as managers, coaches and boxing seconds. Rules forbidding women in press boxes had been discarded to accommodate female sportswriters. And a few men's locker rooms had signs like "Wear Shorts at All Times" because female athletic trainers were helping out.

More and more women are taking coaching courses in colleges today. "Coaching classes make a lot more sense to girls now," says Shirley Johnson, women's athletic director at UCLA, "because more of them are getting competitive experience in the younger grades."

It used to be that the only recognition women received for their athletic interests was half-price admission on Ladies' Day at the ball park. Now that Ladies' Day is illegal—it discriminates against men—more meaningful awards are being garnered by females in sports. Sports banquets are being held specifically in honor of female athletes. In two New Jersey high schools, girls were nominated for the county's scholar-athlete award—the first time any nominees were female. And Ada Steinmetz of La Salle College in Pennsylvania became the first female ever nominated for a Rhodes Scholarship. Since Steinmetz was a model student and participated in four varsity sports, the committee that nominated her felt that she did have the "qualities of manhood" Cecil Rhodes had wanted his scholars to have. (P.S. She didn't get the scholarship. Things are good, but not that good.)

The feats of female athletes have begun to draw more press coverage, more TV time, and more and more spectators. In some cases administrators have been pleased just to see mothers and fathers turn out. Contrary to athletic lore, women *have* been able to draw paying crowds. Iowa girls' basketball is certainly the most famous example, but even in places where women's sports have bombed before, enthusiasm has been surprising. At the University of New Mexico, no more than 50 people used to turn out for a girls' gymnastic meet, but when athletic director Linda Estes charged money for a meet, 250 came to see it. Estes' explanation: If it's worth paying for, it must be worth seeing.

"On t[illegible] 1963, I ran out [illegible] in Ogden, Utah. I [illegible] have enough to pay my[illegible] . . . Cra[illegible] thoughts c[illegible]ed my mind. I thought [illegible]rostitution. I kept lo[illegible]g over the characters [illegible] passed, and I asked mys[illegible] how I would appro[illegible] a guy.

"I got so depressed I went back to the motel and got half-smashed . . . I looked at myself in the mirror. I asked myself, 'Who the hell wants you? Who could you find to pay for it?' This really got me despondent because now I was a total failure—on the tour and as a prospective hooker. I started to cry."

—CAROL MANN, President, Ladies' Professional Golf Association, and winner in 1973 of $47,734

2 The Pros Lag Behind

In the wide world of professional sports, where federal legislation has less impact, the plight of female athletes is much worse. There have been some improvements, particularly in the amount and quality of TV and press coverage for women pros. But if money is the measure of an athlete, then it is clear that the United States does not value its female sportspeople half as much as its males.

In golf, for example, where women have supposedly made great strides in the last few years, the increases in prize money for tournaments have been mainly a result of inflation, not of attempts at equality. In 1969, the men's top money winner (Frank Beard, $164,700) earned nearly four times as much as the women's top money winner (Carol Mann, $49,000). In 1972, top money winner Kathy Whitworth won $65,000 in 29 tournaments, but the same year Jack Nicklaus won five times that much ($320,000) in only 19 tournaments. In 1973, the ratio was back at the 1969 level of nearly four to one, with Kathy Whitworth earning $82,864 to Jack Nicklaus' $308,362.

But the inequities in the socially accept-

	TOP MONEY WINNER 1973 $$$		HIGHEST PAYING TOURNAMENT FIRST PRIZE—1974 $$$	
	WOMEN	MEN	WOMEN	MEN
(Bowling)	$11,200 (Judy Cook Soutar)	$69,000 (Don McCune)	$12,500 (Red Crown Classic)	$25,000 (Tournament of Champions)
(Golf)	$82,864 (Kathy Whitworth)	$308,362 (Jack Nicklaus)	$32,000 (Winner's Circle)	$60,000 (World Open)
(Tennis)	$191,495 (Margaret Court)	$225,290 (Ilie Nastase)	$30,000 (Family Circle)	$50,000 (WCT Finals)
(Track)	$8,225 (Wyomia Tyus)	$16,700 (Ben Jipcho)	$500 (1 to 3 events per meet)	$500 (12 events per meet)
(Billiards)	$6,000 (Jean Balukas)	$25,000 (Steve Mizerak)	$3,000 (U.S. Open)	$8,000 (U.S. Open)

The Money Gap

It's easy to measure inequality in professional sports: count the bucks. In nine out of 10 cases, the men's prize money figures are higher than the women's in the same sport. The exception: purses for pro track seem equal, but remember that there are 12 men's events on the tour, but no more than three for women. Although women's purses have not kept pace with men's, they have gotten large enough so that top athletes in golf and tennis can make their living in sports, and that's never happened before.

That's Nice, Dear

Prizes at Amateur Athletic Union competitions aren't supposed to be worth more than $100. They're even engraved so they can't be returned for cash. Theoretically, male and female winners should take away similar modest mementos. But somehow the men carry off all sorts of valuable prizes, while the women are left holding the trophies. At a recent indoor track meet, the men won TV sets and tape recorders, but the woman winner, Patty Van Wolvelaere Johnson, was given a trophy so cheap she threw it into the stands in disgust. "It's awful," she says. "the guys always get at least clock radios and they give us a bouquet. Sometimes it's not even roses, just stinky carnations." When Mary Decker set a world record for the 1,000-yard run, she got a "dinky trophy with a little clock in it," but Dwight Stones, who set an American record in the same meet, was given a lavish trophy and named the meet's outstanding athlete. Women like Francie Larrieu and Patty Van Wolvelaere Johnson are boycotting AAU meets that give unequal prizes for men and women, and, as a result, things seem to be improving. This summer, at a meet in Modesto, California, Patty finally won her clock radio. Bicyclist Patty Cline once gave her all for a pedicure. Another time she won a gift certificate for a pizza. But how do you engrave a pizza?

able, ladylike sports—golf and tennis—are insignificant compared to those prevalent in the more masculine sports of track and bowling. Last winter, when the International Track Association (ITA) held its meet at the Nassau Coliseum, the ads mentioned the male runners, but not the women. Yet three of the women were former Olympians. And although the women get the same $500 for placing first in an event, the women have no more than three events at each meet, while the men compete in 12. Which is why Wyomia Tyus, top female event and money winner, was ranked only sixth in earnings, behind five men.

"When the revolution in women's tennis began," explains pro bowler Paula Sperber, "the smaller sports never benefited from it." Paula, one of the top women on the pro bowling tour, says she sees no difference for women in her sport from the way things were five years ago.

One of the problems, Paula says, is that the men in bowling suffer from discrimination as well. "The sponsors put their money into rich people's sports like golf and tennis, even if the money doesn't do as much good there. The TV ratings in golf, for example, aren't that good. Another sport might do as well, but they won't try." Although more people participate in and watch bowling contests, the people who watch golf and tennis make more money per capita than do bowling fans. So the sponsors, lured by good demographics, choose these sports; consequently, there's a lot less money around for all the athletes in the 'minor' sports or blue collar sports.

For example, the top male bowler won $86,000 in 1971. But golfer Jack Nicklaus won that much in three tournaments. What Nicklaus won in one tournament, however, probably tops what any woman bowler wins in a year. In 1971, Paula Sperber won only $16,000. Last year the top male bowler won $69,000; the top woman, $11,000. All-time male money winner, Dick Weber has accumulated $427,000 in winnings; Dottie Fothergill, all-time female money winner, has earned $47,000.

3 God Bless You, Title IX

The explosion in female participation has sent shock waves through the oldest bastion of male supremacy—athletics, and the tremors have begun to crack ancient attitudes about women's place in sports.

During the 1920s, it seemed that women might be getting a chance at the gate as sports became a regular part of curriculums in women's colleges. But it was a false start. Prudes (who objected to the display of flesh) and proto-feminists (who thought women were being exploited for curiosity value) campaigned against women's intercollegiate athletics. Within a few years, women's teams had been reduced to 'clubs' and on rare occasions played the clubs of other schools—in ladylike sports, of course.

It has taken a long time for women's athletics to recover from this wholesale policy change, but women are beginning to demand a more important role in sports once more. What is giving clout to the demands this time is a group of federal laws that prohibit sex discrimination. (See page 44.)

Some of these laws are ten years old, but it was 1972's Title IX that gave the revolution in women's sports its greatest thrust. Although the regulations that spell out just how far Title IX will reach into athletics were released only last June and are still not finalized, many school athletic departments found it wise to react to the mere threat of Title IX. Faced with the prospect of losing all federal monies because of their discriminatory policies — particularly blatant in athletics—many schools made the changes prior to the release of the regulations and often without the request or knowledge of female administrators at the school.

The University of Kansas raised its women's athletic budget from $9,000 to $121,000 for the current academic year. Last year's $9,000 budget made it necessary for female athletes to drive 24 hours straight to get to track meets or, if they arrived early, to sleep on wrestling mats the night before competition. The men, traveling in style at university expense, also received goodies like blazers and suitcases.

At the University of Washington, women's intercollegiate athletics used to be conducted on a club basis. Last year the club budget was $35,000 and came from student fees. This year, women's intercollegiates will take their place alongside men's, and will be supported by a budget of $200,000 as part of the department of intercollegiate athletics, a previously all-male unit. In addition, the University of Washington approved a $1.5 million expenditure to add a women's sports facility to Edmundson Pavilion, which is currently home for the men's teams.

At the University of California, Berkeley, the men's budget last year was $2.1 million, $540,000 of which came from student fees. The women's budget, all of which came from student fees, was $50,000, but that was 1,000% higher than the $5,000 they had the year before. This year the women's allocation from student fees will be $127,000, and the men's, $350,000.

At Michigan State University, the women's budget jumped from $34,000 to $84,000 between the '72-'73 and '73-'74 academic years. Included in the new budget were services the men have always received: tutoring; medical treatment; a modern dressing room. Women administralies were also moved to the field house which has traditionally been restricted to men.

In high schools, the changes are less dramatic, but just as real:

At Campolindo High School in Moraga, California, last year's girls' budget was $900; the boys', $11,000. This year the boys' budget remains about the same, but the girls' has been raised to $1,200. In addition, this year, the girls' coaches are, for the first time, going to be paid as much as the boys' coaches.

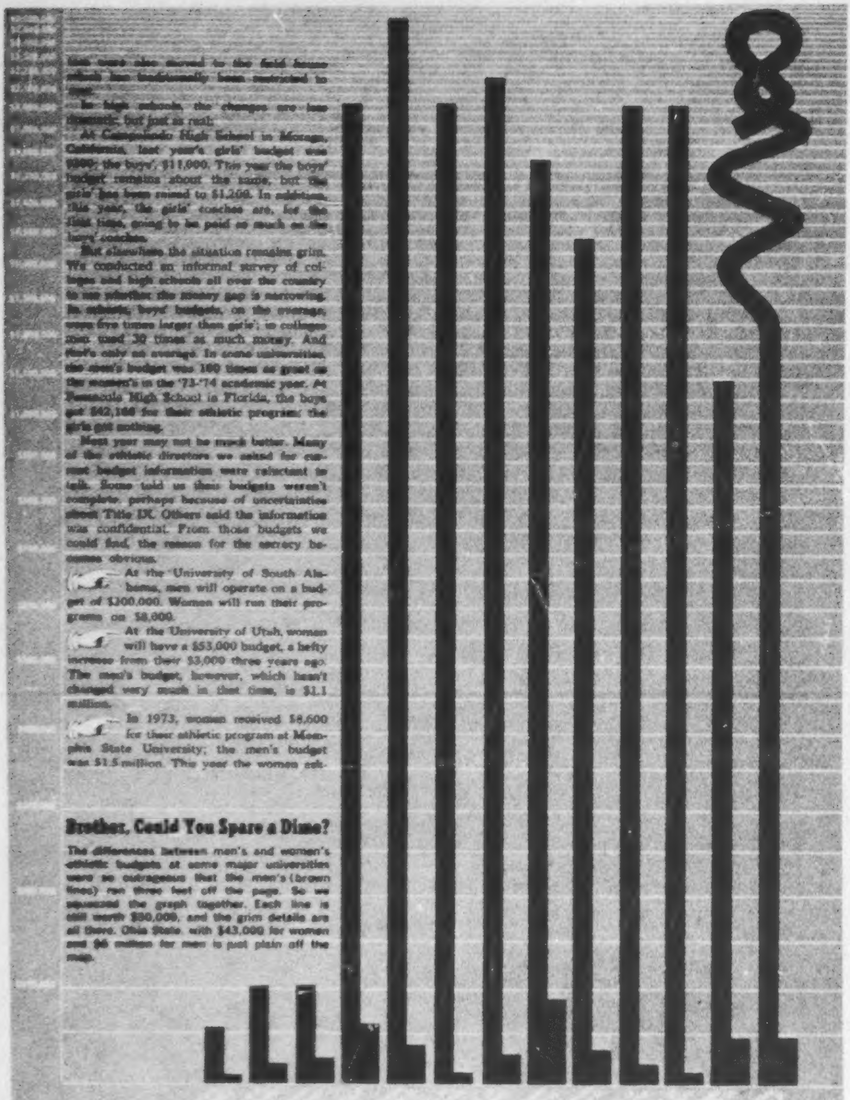
But elsewhere the situation remains grim. We conducted an informal survey of colleges and high schools all over the country to see whether the money gap is narrowing. In schools, boys' budgets, on the average, were five times larger than girls'; in colleges men used 30 times as much money. And that's only an average. In some universities, the men's budget was 100 times as great as the women's in the '73-'74 academic year. At Pensacola High School in Florida, the boys got $42,100 for their athletic program; the girls got nothing.

Next year may not be much better. Many of the athletic directors we asked for current budget information were reluctant to talk. Some told us their budgets weren't complete, perhaps because of uncertainties about Title IX. Others said the information was confidential. From those budgets we could find, the reason for the secrecy becomes obvious.

☞ At the University of South Alabama, men will operate on a budget of $300,000. Women will run their programs on $8,000.

☞ At the University of Utah, women will have a $53,000 budget, a hefty increase from their $3,000 three years ago. The men's budget, however, which hasn't changed very much in that time, is $1.1 million.

☞ In 1973, women received $8,600 for their athletic program at Memphis State University; the men's budget was $1.5 million. This year the women ask-



Brother, Could You Spare a Dime?

The differences between men's and women's athletic budgets at some major universities were so outrageous that the men's (brown lines) ran three feet off the page. So we squeezed the graph together. Each line is still worth $50,000, and the grim details are all there. Ohio State, with $43,000 for women and $6 million for men is just plain off the map.

Patty Van Wolvelaere Johnson, the Seattle runner who is currently America's best woman hurdler (she shares the world indoor records in the 50- and 60-yard hurdles, and holds the indoor mark in 100-meter hurdles at 13.2 seconds), is a maverick athlete whose anti-establishment, anti-sexist activities have won her as much fame as her running exploits.

"In the Amateur Athletic Union, we have our own women's national championships, and the men have their national championships, so that's equal but separate. But in the invitational meets for both men and women, they generally schedule four women's events and 19 men's events.

"The AAU could do something about this. They could just tell the meet directors, 'Unless you have greater equality, 10 women's events and 15 men's events, say, then we just won't sanction the meet. If anyone sets a record, it won't be official.' But that hasn't happened. We're having problems with the officers of the AAU itself.

"Of course, there are women officers in the AAU. But the problem is age, really. I'm in the middle. I'm considered a troublemaker and an agitator by the AAU because I stand up for our rights. But I'm also one of the

(continued on p. 40)

ed for $21,000 but were told to whittle that request to $15,550, 1% of the men's.

☞ The athletic director at Duquesne University in Pittsburgh told us his budget was confidential. But another source informed us that Duquesne runs seven varsity sports for men and two—this past year it was only one—varsity teams for women.

☞ Tucson High School will spend $17,000 on its boys, about $1,000 on its girls.

☞ Shorewood School District in Milwaukee, Wisconsin, recently made the news when it allotted $20,000 to the boys' program and $4,000 to the girls. Despite the uproar by local mothers, the allocations stood.

Bake sales, candy sales and car washes are not requirements for men's teams, but female athletes frequently use such homey fund-raisers to make enough money for their uniforms, equipment or travel. Fund-raising campaigns are not uncommon at Pacific 8 Universities or at Big Ten Schools, where millions of dollars are often spent on men's athletics. Last year, Arizona State University's female athletes held candy sales and raffles to get to their national competitions. Although they received an emergency appropriation to get them through the season, they often had to travel to meets in their own cars, paying for their own mileage, while the men were flown at the university's expense. The men received $15 a day expenses, the women, $5.

"The situation is improving," says Phyllis Boring, a language professor at Rutgers University and a member of New Jersey Women's Equity Action League (WEAL).

"But I still hear stories about schools where they run late buses for the boys who stay late to play athletics. The girls stand in the yard and watch the boys leave in a half-empty bus, and then they hitchhike home because they're not allowed on the bus.

"I recently read an article about a girls' basketball team that was undefeated, but the article went on to say that they worked under a handicap: They couldn't use the gym on Tuesdays, Wednesdays or Fridays, and only after six on Mondays and Thursdays, when the boys were through."

At Ohio State, where the men operate on a six million dollar budget, female swimmers use the pool from 6:30 a.m. to 9 a.m., and again at dinnertime, when the men don't want it.

At Kansas State, $4.25 of each student's athletic fee goes toward a bond issue on the university stadium that no women, and only some of the men, can use.

The most blatant form of discrimination lies in coaching salaries. With few exceptions, coaches for female teams receive less money than coaches for male teams for the same or more hours of coaching. A survey of 75 Minnesota high school districts conducted by the Minnesota Federation of Teachers discovered that on the average girls' coaches were paid half as well as their male counterparts. In many schools, female phys ed teachers are asked to "volunteer" their coaching services while male coaches are paid for coaching the boys.

4 Our Own Worst Enemies

At the root of the problem is an attitude—entrenched as firmly in the minds of women as of men—that sports are more important for men than for women. The attitude has been supported by a series of circular arguments that have allowed men to run rings around women athletes for years. Women are poorer athletes—even if inferior treatment has made them this way—and they don't deserve the kind of training or equipment given men. Women don't draw spectators—even if limited media coverage has stifled interest—so there's no reason to give them publicity or to let them run expensive programs which will just lose money. Women who play athletics are freaks—they have to be different in order to break the social taboo against women in sports.

While most young female athletes today know that these traditional attitudes are nonsense, many of them still feel a need to defend their positions. The stigma takes its largest toll in high school, where athletes are often informed by their friends that girls who play basketball don't get dates. Even those who play and play well are prompted to make statements to the press like: "There's no way you can play basketball and be feminine at the same time. I'm not going to go in and do a ballet lay-up, but when I'm off the court, I'm not a horse either."

Defensiveness about athletics doesn't come out of the blue. "It starts in third grade," says Joyce Wilson, a high school gymnast, "when the boys' and girls' phys ed classes are split up. That's when the boys take basketball and the girls take jump rope . . . It's not really the girls' fault if they're not interested in sports. It's the teachers' and the parents' attitude toward the students that's the problem."

There are some positive signs. Some grade schools have begun to integrate all their physical education classes and teach boys and girls the same sports. Increased TV coverage has made the female athlete more visible and more heroic. More and more women have begun to participate actively in sports, demonstrating that there's nothing unnatural about a female athlete.

Participation figures nationwide are encouraging. According to a survey by the National Federation of State High School

Associations, participation by girls in interscholastic sports jumped 175% between 1971 and 1973. Participation by boys jumped only 3% in the same period. The number of girls participating in indoor and outdoor track and field increased from 62,000 to 180,000, a 200% increase in a two-year period. Participation in gymnastics doubled, from 17,000 to 35,000 girls; participation in girls' softball rose from 9,800 to 81,000.

Responding to the increased interest in sports, schools began fielding more teams for girls. The number of schools providing volleyball teams increased by 4,000 between 1971 and 1973. Three hundred and seventy three schools had softball teams in 1971; 4,251, in 1973. And the number of schools with girls' gymnastics teams rose from 1,060 to 2,100.

"Girls are interested in sports," says Carol Garinger, volleyball coach at a Seattle high school. "They get a chance to excel and to get the feeling of competition. They aren't concerned about the image of a girl in sports anymore."

Even more damaging to the position of women in athletics has been the attitude of female athletic directors themselves, who have witnessed the rapid development—and in their opinion, the deterioration—of men's athletics. Fearing that high pressure competition which has led to the buying and selling of male athletes, would also defile the women's programs, they have preferred to keep their teams at a more recreational level.

At Penn State, for example, it was the women, not the men, who presented the greatest obstacle toward improving the level of women's sports. "The athletic director and the dean and the president are all anxious to give more, but the women haven't asked for anything big," says Mary Jo Haverbeck, recently hired by Penn State to cover women's sports. "They didn't ask for scholarships [added this year at Penn State] and they didn't ask for uniforms; these new additions are being gently suggested to the women in charge."

Haverbeck said she had to persuade the female athletic directors to put numbers on the girls' uniforms so they could be recognized by audiences. "Women administrators have always fought against recognition for female athletes. They're afraid to make the same mistakes the men have made. But you have to take a chance. You can't do everything on the basis of one mistake."

Many of these women also believe that the girls at their schools do not warrant paying audiences or even higher budgets. Despite the successes of Iowa's girls' basketball teams, other administrators have not tried to sell their women's teams to audiences; and despite the huge inequities between men's and women's budgets, they have not asked for equal funding. "I really don't like to say it," says Barbara Hoepner, women's athletic director at the University

HARVARD VS. RADCLIFFE

by Emily Fisher, Radcliffe '74

College administrators are a little like the Justice Department under John Mitchell: You have to watch what they do, not what they say. One of the announced goals of Harvard's recent merger with its sister college, Radcliffe, was "to provide equal access and opportunities to men and women at all levels of academic endeavor"—including athletics. What actually happened when Harvard took over the administration of Radcliffe's sports program is a lesson in the pitfalls of equality on male administrator's terms:

- The head of Radcliffe's athletic department, Mary Paget, immediately lost most of her authority to Bob Watson, head of the Harvard department. Harvard coaches were made administrative heads of the individual Radcliffe sports programs.
- Radcliffe's athletic budget at the time was $110,000, while Harvard's was $2.7 million. Theoretically, Radcliffe women should have been entitled to at least $600,000 as their share of student body fees. Instead, Watson asked the Dean of the Harvard Faculty for between $60,000 and $85,000 to renovate Radcliffe's antiquated facilities and build new ones. In the meantime, he said he would see what he could do about admitting women to the use of Harvard facilities.
- The Radcliffe basketball team was allotted one hour per week for practice on the Harvard court.
- The Radcliffe crew was allowed to use Harvard's boats and boat-houses after they qualified for the European Rowing Championships in the spring of 1973. Their practice time was limited to three early morning hours so that the rest of the day could be left open for the Harvard crews.
- The Radcliffe squash team was given the use of two of the nine courts at Harvard's Hemenway gymnasium. When the male graduate students and faculty complained about the poverty of their court time, they were given half the Radcliffe varsity's reserved time, leaving the women to train on one court. And when nobody seemed happy with this arrangement, it was decided that the women should be given several courts—none of them regulation size.
- The Radcliffe swimming team was allowed to use Harvard's pool twice a week at the same time that the men's varsity practiced. The women (two of whom were national record-holders) were roped off into two lanes under the diving board. They complained. As a result, the men's morning practice hours were opened to them, but only if every Harvard man had his own lane first. They complained again, this time to Watson himself.

"O.K.," he is said to have responded, "we'll give you equal access. We'll stage an open competition for use of the pool; lanes go to the top 30 swimmers. We don't after all, want to be discriminatory.

"Is it justified to dismantle established men's programs in order to accord equal treatment to women's programs which are not really equal in intensity or dedication?"

After months of patient but fruitless negotiations, Radcliffe women, led by Connie Cervilla, president of the Union of Students, and Roanne Costin, member of the Undergraduate Athletic Advisory Council, decided to make their case public. They gathered facts and figures on the inequities in everything from funding to scheduling and, in April, took them to the school newspaper.

Under pressure, Watson brought what was known as "the women's beef" to the individual captains of Harvard's varsity teams. The captains responded by setting aside practice times for the women. This meant giving the women's varsities priority over the men's intramural sports.

Next year Radcliffe's varsity teams may not have to spend most of their time battling for a place to practice. But money will still be a problem. Mary Paget's budget request for 1974-75 was cut by $18,000, to less than $110,000. She says the money that was cut was essential to the development and expansion of the women's program. So chances are that next year Radcliffe women will once again have to fight Harvard fiercely.

(continued from p. 38)

athletes' representatives on the national committee, and I'm well respected because I'm an old veteran. So the AAU listens to what I have to say. But the older women who still compete have always known the program as it is now. They have one foot in competition and the other in administration. They don't want to rock the boat and lose their positions. And the younger girls, many of whom are in top-level competition, are just that—girls. How can you tell a 16-year-old girl who's living at home with her parents that she's being discriminated against? She doesn't understand. My consciousness wasn't raised until I was 20. Then I started seeing all these inequities. For instance, they had chaperons. The men could do what they wanted, but we always had to have someone watching us. I suppose it's because women can get pregnant and men can't. I suppose it gets down to that . . .

"But there's still a double standard. In 1970, on the European tour, a guy and a girl got involved. They both performed well on the track and, as far as I was concerned, their personal lives were their own business. But an athlete is supposed to live up to an image. The AAU makes you sign papers before you go on these tours, saying you won't disgrace yourself, the AAU or your country. So these two athletes came under a lot of fire, even though the AAU never proved anything. In the end, nothing happened to the guy; they just slapped his wrist. But the girl was suspended from international competition for a year."

—Interview by
Ann Forfreedom

of California, Berkeley, "but the girls are not good enough yet. They do not warrant the type of coaching that it would take to cost a million dollars."

Not all administrators feel this way, however, and some quickly recognize the fallacy in the girls-aren't-worth-it attitude. "Women are expected to be lousy," says Eleanor Nickerson, chairman of the girls' phys ed department at San Ramon High School in California. "How will they ever be able to justify a large investment if they are not given that investment in the first place?"

The female athletes have made it clear that they do not wish to be protected against the evils of competitive athletics. "I would welcome the problems the men have compared with the problems we have," says softball pitcher Charlotte Graham. "I just cannot get into feeling sorry for men. They have so many places to go and we have none."

5 Onward and Upward

Recognizing that many of their attempts to help women have merely backfired, the old-guard administrators and phys ed teachers have begun to give in to the demands of female athletes. Their concessions have made the greatest difference in the revolution. They were the ones who changed policies about coed competition, about publicity and audiences, and about scholarships, bringing male and female athletes closer to parity.

Most male administrators have not been hostile to the revolution, until they're asked to part with a little cash. "Finances are the big problem," says Carol Gordon, president of AIAW. "Men's and women's athletics are part of a total picture of lack of funds for universities and colleges. If it were a rosy financial picture for men, there would be no problems. But they are being asked to give over their money to a program that hasn't been supported in the past. And they can't help but think that this will be detrimental to their programs."

"Sports as we know it will be extinct a decade from now," sports columnist Jack Enterline wrote in his Valentine's Day message to female athletes. "There just ain't no way that our communities can absorb the increased costs of expanding athletic programs, either in the recreational or school areas. There is no way that a modern college can financially support a program referred to in the proposed legislation [Title IX]. And just in case you have any more grandiose ideas, there just ain't no way that expanded professional programs could gain enough support to be financially profitable."

So rather than compromise and cut their budgets, their programs, and their coaches' salaries, many men would prefer that women took their secondhand bats and went home, instead of standing up for what they are legally entitled to: equal opportunity in sports. It all goes back to the notions they have about a woman's place in athletics.

"The hell with football," writes syndicated columnist Furman Bisher. "Give me a good chef any day or a woman who can make gazpacho . . . and not be concerned about her pulled muscle or a charlie horse."

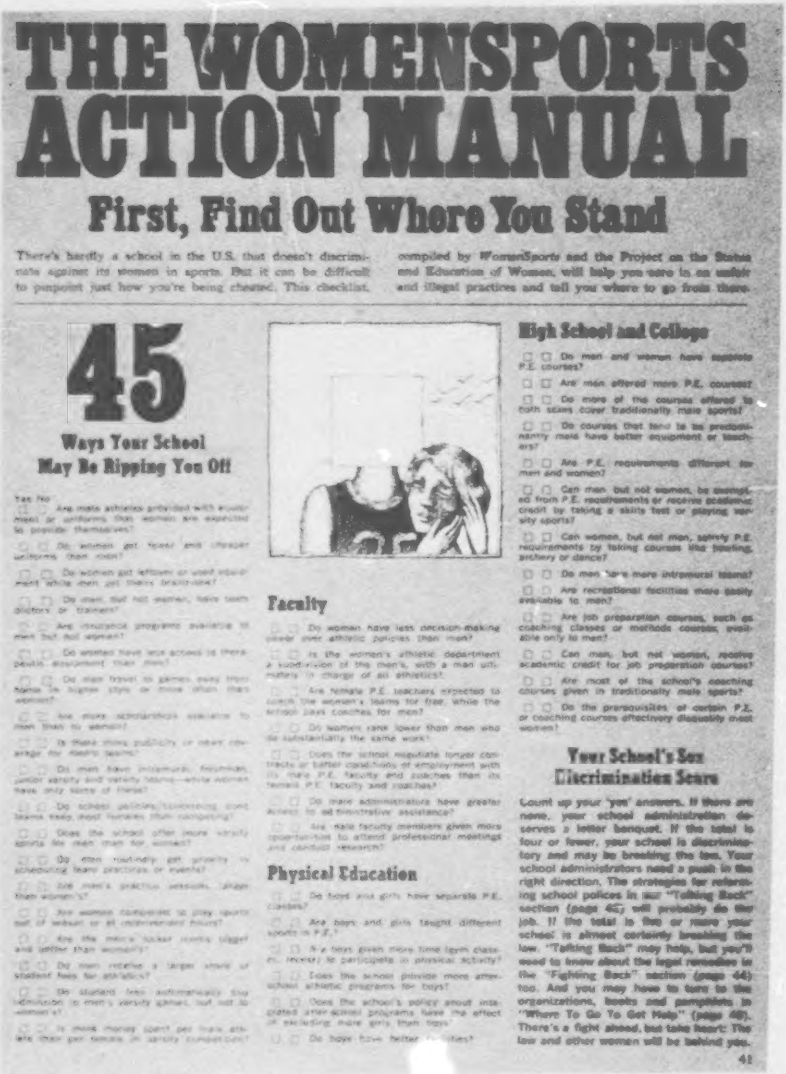
Panic in the male locker rooms centers around Title IX, which stands to cause the most changes in men's programs of any legislation thus far. Crying that the Title IX regulations have produced "a crisis in intercollegiate athletics," Walter Byers, president of the National Collegiate Athletic Association (NCAA), rallied his member institutions to support large-scale lobbying to have athletics eliminated entirely from the grasp of Title IX. When this attempt failed, the male athletic organizations got behind the amendment sponsored by Sen. John Tower, R.-Tex., and aimed at exempting all revenue-producing sports from Title IX. In June, the Tower Amendment was defeated in conference. The regulations were officially released for comment shortly after that, with no major concessions to the male athletic groups. But changes can still be made—the regulations won't be official for a few months—and rumors are that the NCAA hasn't given up.

It is tempting to take the easy way out, to say that the revolution in women's sports will not affect male athletics, that all that is required are "technical adjustments." But it just isn't true. Enterline and Byers are right. The sports establishment as we know it is in for a profound and rapid change.

And so what? Suppose that, when the crunch comes, individual athletic directors decide to take the money, not from the marginal intramural sports or minority enthusiasms like fencing and wrestling, but from the big-time gaudy sports like football. Then perhaps the pressure would ease on coaches and administrators and 19-year-old boys who are supposed to fight like gladiators for dear old Most Attractive Offer U. Suppose that spectator sports declined and participant sports increased. It would be almost . . . revolutionary.

But even if that doesn't happen, change is still inevitable and just. The current situation, for all its improvements, remains intolerable. Budgets are still pitiful; equipment still inadequate; official attitudes still hostile. Women are not out to destroy the men's programs. They are out for an opportunity to participate in athletics in the style to which men are accustomed. The revolution has just begun.

Hang on. This could be fun.



THE WOMENSPORTS ACTION MANUAL

First, Find Out Where You Stand

There's hardly a school in the U.S. that doesn't discriminate against its women in sports. But it can be difficult to pinpoint just how you're being cheated. This checklist, compiled by *WomenSports* and the Project on the Status and Education of Women, will help you zero in on unfair and illegal practices and tell you where to go from there.

45

Ways Your School May Be Ripping You Off

Yes No

☐ ☐ Are male athletes provided with equipment or uniforms that women are expected to provide themselves?

☐ ☐ Do women get fewer and cheaper uniforms than men?

☐ ☐ Do women get leftover or used equipment while men get theirs brand-new?

☐ ☐ Do men, but not women, have team doctors or trainers?

☐ ☐ Are insurance programs available to men but not women?

☐ ☐ Do women have less access to therapeutic equipment than men?

☐ ☐ Do men travel to games away from home in higher style or more often than women?

☐ ☐ Are more scholarships available to men than to women?

☐ ☐ Is there more publicity or news coverage for men's teams?

☐ ☐ Do men have intramural, freshman, junior varsity and varsity teams—while women have only some of these?

☐ ☐ Do school policies concerning coed teams keep most females from competing?

☐ ☐ Does the school offer more varsity sports for men than for women?

☐ ☐ Do men routinely get priority in scheduling team practices or events?

☐ ☐ Are men's practice sessions longer than women's?

☐ ☐ Are women compelled to play sports out of season or at inconvenient hours?

☐ ☐ Are the men's locker rooms bigger and better than women's?

☐ ☐ Do men receive a larger share of student fees for athletics?

☐ ☐ Do student fees automatically buy admission to men's varsity games, but not to women's?

☐ ☐ Is more money spent per male athlete than per female in varsity competition?

Faculty

☐ ☐ Do women have less decision-making power over athletic policies than men?

☐ ☐ Is the women's athletic department a subdivision of the men's, with a man ultimately in charge of all athletics?

☐ ☐ Are female P.E. teachers expected to coach the women's teams for free, while the school pays coaches for men?

☐ ☐ Do women rank lower than men who do substantially the same work?

☐ ☐ Does the school negotiate longer contracts or better conditions of employment with its male P.E. faculty and coaches than its female P.E. faculty and coaches?

☐ ☐ Do male administrators have greater access to administrative assistance?

☐ ☐ Are male faculty members given more opportunities to attend professional meetings and conduct research?

Physical Education

☐ ☐ Do boys and girls have separate P.E. classes?

☐ ☐ Are boys and girls taught different sports in P.E.?

☐ ☐ Are boys given more time (gym classes, recess) to participate in physical activity?

☐ ☐ Does the school provide more after-school athletic programs for boys?

☐ ☐ Does the school's policy about integrated after-school programs have the effect of excluding more girls than boys?

☐ ☐ Do boys have better facilities?

High School and College

☐ ☐ Do men and women have separate P.E. courses?

☐ ☐ Are men offered more P.E. courses?

☐ ☐ Do more of the courses offered to both sexes cover traditionally male sports?

☐ ☐ Do courses that tend to be predominantly male have better equipment or teachers?

☐ ☐ Are P.E. requirements different for men and women?

☐ ☐ Can men, but not women, be exempted from P.E. requirements or receive academic credit by taking a skills test or playing varsity sports?

☐ ☐ Can women, but not men, satisfy P.E. requirements by taking courses like bowling, archery or dance?

☐ ☐ Do men have more intramural teams?

☐ ☐ Are recreational facilities more easily available to men?

☐ ☐ Are job preparation courses, such as coaching classes or methods courses, available only to men?

☐ ☐ Can men, but not women, receive academic credit for job preparation courses?

☐ ☐ Are most of the school's coaching courses given in traditionally male sports?

☐ ☐ Do the prerequisites of certain P.E. or coaching courses effectively disqualify most women?

Your School's Sex Discrimination Score

Count up your 'yes' answers. If there are none, your school administration deserves a letter banquet. If the total is four or fewer, your school is discriminatory and may be breaking the law. Your school administrators need a push in the right direction. The strategies for reforming school polices in our "Talking Back" section (page 45) will probably do the job. If the total is five or more your school is almost certainly breaking the law. "Talking Back" may help, but you'll need to know about the legal remedies in the "Fighting Back" section (page 44) too. And you may have to turn to the organizations, books and pamphlets in "Where To Go To Get Help" (page 46). There's a fight ahead, but take heart: The law and other women will be behind you.

41

TALKING BACK

A Dozen Ways To Beat the System

So your school athletic program is unfair to women. What are you going to do about it?

Now's the time to start exerting pressure where it counts most: on school administrators and athletic departments.

We asked successful troublemakers across the country to help us prepare this action list of strategies that have paid off for them.

1. The Mighty Facts

Dig up all the facts you possibly can about your school's athletic budget and its policies regarding hiring and decision-making in physical education and athletics. At a tax-supported school this information is open to the public, so don't accept the runaround reply that it's confidential. Once you've got the facts, bring them to the the attention of everyone who'd like to see an upgraded women's sports program. Use the facts to organize your backers.

2. Think Big

Call yourself a "committee" — something on the order of the *Women's Sports Committee to Demand a Fair Share,* or something equally imposing—even if there are only a handful of you pushing for change. Bureaucrats don't want to relate to individual troublemakers. Bureaucrats do feel a need to relate to committees. Get a letterhead printed for your "committee" and address all your complaints to the administration (and everybody else) on this stationery. For $10-$15 you can come up with a letterhead that will intimidate any bureaucrat anywhere.

3. The Buddy System

Make friends, then influence people. Get to know people within the system, particularly people in the athletic department and the principal (or dean of students or president of the college or university). If you appear to be an ally—and in a way, you are—your suggestions for improvements will offer them ways to deal with all the complaints they've been getting. Meanwhile, make sure they receive a steady flow of complaints.

4. Spread the Message

Tell everybody what's wrong, especially civic groups with an interest in education. And particularly the PTA, if yours is a school, or the alumni women, if yours is a college or university. Speak at their meetings, meet with their officers, write for their newsletters. They may not agree with you—in fact, may completely disagree with your demands—but they'll become aware you mean business.

5. Get 'Em Where It Hurts

Go over the heads of your school administration by contacting members of the board of education or the board of trustees, many of whom won't have any idea of the inequities in question. Tell them about how the situation is harming their own kids. Tell the story in terms that'll make them phone your principal or dean of students and ask: "Say, Harry, what's this I hear about . . ."

6. Behind Every Man

Though much maligned in fiction and in lore, faculty wives can be very helpful if you find them sympathetic to your cause. Cultivate them. Tell them about your problems, your plans, your dreams. They constantly meet a lot of higher-ups and can be very influential.

7. The Mighty Pen

Write letters about the situation at your school to your congress people, and to the various agencies that enforce federal laws against sex discrimination. Particularly Secretary Caspar Weinberger of the Department of Health, Education and Welfare, which enforces Title IX. Have parents write letters to administrators. As tax-paying, tuition-paying citizens, they rank high in importance to officials of public institutions.

8. The Power of the Press

Tell the newspapers, radio and TV stations what you know about the situation at your school. Contact them when you've got all the facts indicating a pervasive pattern of unfair treatment toward girl's or women's athletics. Do not contact the press until you can fully back up your claims. Tax-supported institutions are fearful of legislators finding out how the money is really being spent. Private institutions are no less concerned about parents—who foot *their* bills—finding out. Bad publicity scares any institution, public or private. (For a full guide to making publicity work for you, see our *Signals* department next month.)

9. The Right to Petition

If you've got community support, circulate a petition calling for changes in the girls' and women's athletics program, gather hundreds of signatures and present it to the chairman of the trustees, the mayor, the governor, HEW, the Justice Department, the president of the school board, the principal, the head of the athletic department—as many officials as apply in your case. It's bound to make your opponents nervous to see you've got all those people behind you.

10. Let Your Fingers Do the Walking

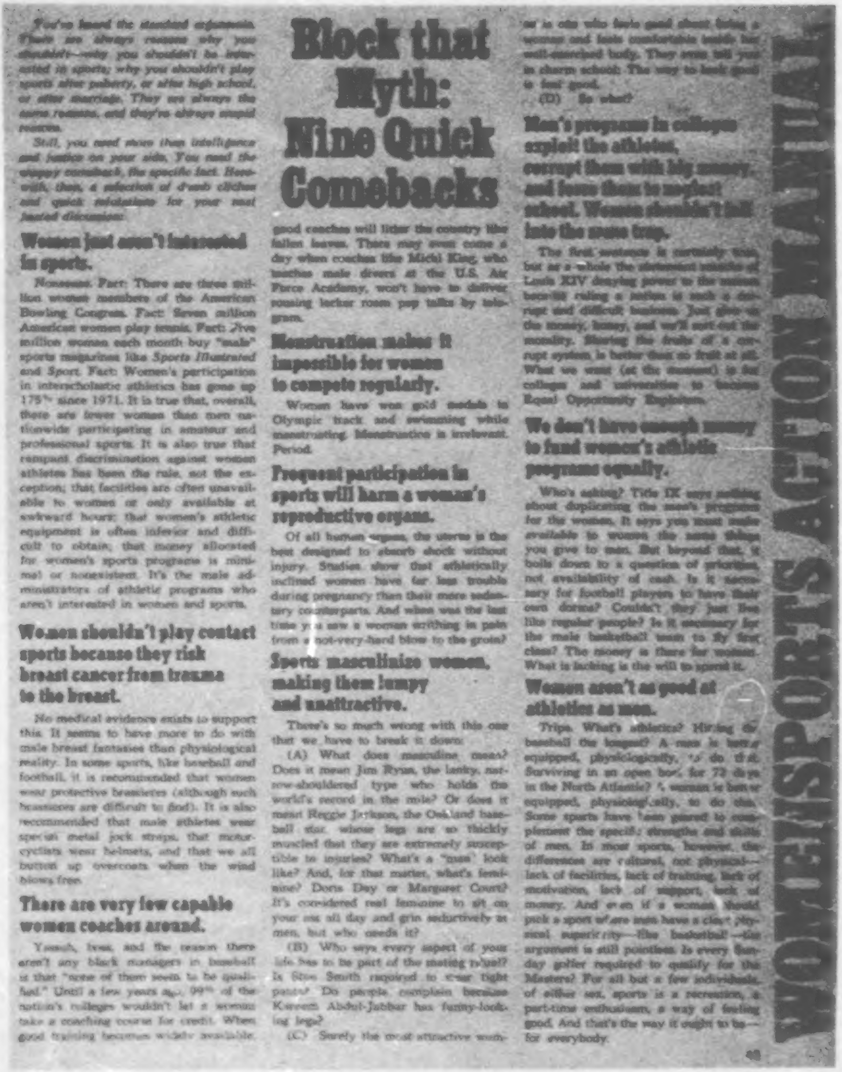
Phone your school to let them know what ought to be done. Not just once; tie up the switchboard for an entire day. Organize a phone-in. Callers should be polite and direct, making straightforward statements of demands without pointless rancor, attempting to engage the target of the phone-in (the principal, the dean, the coach, the athletic director) in conversation. A phone-in can be the same kind of attention-getter as a fire under a balky mule.

11. Don't Gripe, Demonstrate

Peaceful picketing can rivet a campus' attention on your complaints like nothing else. A word of warning: Don't demonstrate unless you can get out a large enough crowd to be impressive; a small turnout can backfire to the propaganda advantage of your opponents.

12. Play Both Ends Against the Middle

When you're negotiating for change, have someone inside the school working for compromise. But make sure the pressure is heaped on from the more militant "committee" on the outside demanding more radical changes. Keeping the pressure on—via letters, parental complaints, discussions at PTA / regents / trustees meetings, and demonstrations—will insure that the compromises hammered out by negotiators will be more favorable to your side.



WOMENSPORTS ACTION MANUAL

Block that Myth: Nine Quick Comebacks

You've heard the standard arguments. There are always reasons why you shouldn't—why you shouldn't be interested in sports; why you shouldn't play sports after puberty, or after high school, or after marriage. They are always the same reasons, and they're always stupid reasons.

Still, you need more than intelligence and justice on your side. You need the snappy comeback, the specific fact. Herewith, then, a selection of dumb clichés and quick rebuttals for your next heated discussion:

Women just aren't interested in sports.

Nonsense. Fact: There are three million women members of the American Bowling Congress. Fact: Seven million American women play tennis. Fact: Five million women each month buy "male" sports magazines like *Sports Illustrated* and *Sport*. Fact: Women's participation in interscholastic athletics has gone up 175% since 1971. It is true that, overall, there are fewer women than men nationwide participating in amateur and professional sports. It is also true that rampant discrimination against women athletes has been the rule, not the exception; that facilities are often unavailable to women or only available at awkward hours; that women's athletic equipment is often inferior and difficult to obtain; that money allocated for women's sports programs is minimal or nonexistent. It's the male administrators of athletic programs who aren't interested in women and sports.

Women shouldn't play contact sports because they risk breast cancer from trauma to the breast.

No medical evidence exists to support this. It seems to have more to do with male breast fantasies than physiological reality. In some sports, like baseball and football, it is recommended that women wear protective brassieres (although such brassieres are difficult to find). It is also recommended that male athletes wear special metal jock straps, that motorcyclists wear helmets, and that we all button up overcoats when the wind blows free.

There are very few capable women coaches around.

Yeaah, boss, and the reason there aren't any black managers in baseball is that "none of them seem to be qualified." Until a few years ago, 99% of the nation's colleges wouldn't let a woman take a coaching course for credit. When good training becomes widely available, good coaches will litter the country like fallen leaves. There may even come a day when coaches like Micki King, who teaches male divers at the U.S. Air Force Academy, won't have to deliver rousing locker room pep talks by telegram.

Menstruation makes it impossible for women to compete regularly.

Women have won gold medals in Olympic track and swimming while menstruating. Menstruation is irrelevant. Period.

Frequent participation in sports will harm a woman's reproductive organs.

Of all human organs, the uterus is the best designed to absorb shock without injury. Studies show that athletically inclined women have far less trouble during pregnancy than their more sedentary counterparts. And when was the last time you saw a woman writhing in pain from a not-very-hard blow to the groin?

Sports masculinize women, making them lumpy and unattractive.

There's so much wrong with this one that we have to break it down:

(A) What does masculine mean? Does it mean Jim Ryun, the lanky, narrow-shouldered type who holds the world's record in the mile? Or does it mean Reggie Jackson, the Oakland baseball star, whose legs are so thickly muscled that they are extremely susceptible to injuries? What's a "man" look like? And, for that matter, what's feminine? Doris Day or Margaret Court? It's considered real feminine to sit on your ass all day and grin seductively at men, but who needs it?

(B) Who says every aspect of your life has to be part of the mating ritual? Is Stan Smith required to wear tight pants? Do people complain because Kareem Abdul-Jabbar has funny-looking legs?

(C) Surely the most attractive woman is one who feels good about being a woman and feels comfortable inside her well-exercised body. They even tell you in charm school: The way to look good is to feel good.

(D) So what?

Men's programs in colleges exploit the athletes, corrupt them with big money, and force them to neglect school. Women shouldn't fall into the same trap.

The first sentence is certainly true, but as a whole the statement smacks of Louis XIV denying power to the masses because ruling a nation is such a corrupt and difficult business. Just give us the money, honey, and we'll sort out the morality. Sharing the fruits of a corrupt system is better than no fruit at all. What we want (at the moment) is for colleges and universities to become Equal Opportunity Exploiters.

We don't have enough money to fund women's athletic programs equally.

Who's asking? Title IX says nothing about duplicating the men's programs for the women. It says you must make *available* to women the same things you give to men. But beyond that, it boils down to a question of priorities, not availability of cash. Is it necessary for football players to have their own dorms? Couldn't they just live like regular people? Is it necessary for the male basketball team to fly first class? The money is there for women. What is lacking is the will to spend it.

Women aren't as good at athletics as men.

Tripe. What's athletics? Hitting the baseball the longest? A man is better equipped, physiologically, to do that. Surviving in an open boat for 72 days in the North Atlantic? A woman is better equipped, physiologically, to do that. Some sports have been geared to complement the specific strengths and skills of men. In most sports, however, the differences are cultural, not physical—lack of facilities, lack of training, lack of motivation, lack of support, lack of money. And even if a woman should pick a sport where men have a clear physical superiority—like basketball—the argument is still pointless. Is every Sunday golfer required to qualify for the Masters? For all but a few individuals of either sex, sports is a recreation, a part-time enthusiasm, a way of feeling good. And that's the way it ought to be—for everybody.

48

FIGHTING BACK

The Law Is on Your Side

by Margaret C. Dunkle

It's hard to be a good sport when you're faced with sex discrimination. But, if you're not treated fairly on the job or in school because of your sex, you have more than moral indignation to console you. You have the law on your side.

No one likes the idea of filing a formal complaint or suing his school or employer. But, sometimes it's necessary, and even if you never use the law, it strengthens your hand to know your legal rights.

Women (and men) now have a variety of legal remedies available to them if they meet sex discrimination: Title VII of the 1964 Civil Rights Act, Executive Order 11246, the Equal Pay Act, Title IX of the Education Amendments of 1972, and the Equal Protection Clause of the Fourteenth Amendment. Passage of the Equal Rights Amendment would increase this protection.

Not all of these remedies apply in all circumstances. However, virtually every employer and educational institution in the country is covered by at least one of them. Most are covered by several.

Sex discrimination can take a number of forms. A woman might well have a legitimate complaint against her employer if she were paid less, promoted more slowly, or given fewer benefits than equally qualified men who performed substantially the same work. Similarly, a school might be breaking the law if it offered its female students less of an opportunity (including athletic opportunity) than it offered its male students.

It's important to remember that discriminatory rules and regulations of athletic conferences or associations do not change the law. Schools and employers cannot use the existence of discriminatory policies by these organizations as an excuse for discriminating against women students and employees. If the law is in conflict with these policies, it is the policy—not the law—that must change.

A more detailed look at these laws shows that women, including women in sport, have some legal clout to protest sex discrimination in schools and on the job:

Title VII of the 1964 Civil Rights Act

Title VII prohibits *all employers* (including schools and colleges) with over 14 employees from discriminating against employees on the basis of sex, race, color, religion or national origin. It covers *all aspects of discrimination in employment*, including discrimination in hiring, salaries, upgrading, fringe benefits, training and any other condition of employment.

Title VII might be able to help a woman if, because of her sex, she is:

- Paid less than men who do substantially the same work for teaching, coaching, officiating, etc.
- Compensated for her work in a different manner than men. (For example, if men received extra pay for coaching, while women received only a slightly reduced teaching load.)
- Denied the same opportunities for promotion, training and advancement. (For example, if preference for the position of athletic director were given to football coaches, a job from which women have largely been excluded.)
- Given fewer services or benefits than men. (For example, if a woman coach had less access than a male coach to secretarial assistance.)

Complaints can be made by completing a *brief* complaint form, which is available from the Equal Employment Opportunity Commission. Individuals (or groups) can make complaints on their own behalf or on behalf of other individuals (or groups). The names of complainants are divulged when investigations are made. The government may conduct investigations of employers *only* when a formal complaint has been filed. If attempts at conciliation fail, the government may file suit. In addition, aggrieved individuals may also initiate suits. As a result of these suits, the courts could order an employer to cease discriminating, as well as order reinstatement of employees, appropriate affirmative action and back pay. Title VII is enforced by the Equal Employment Opportunity Commission (1800 G St., N.W., Washington, D.C. 20506).

Executive Order 11246

Executive Order 11246 prohibits any employer with over $10,000 in federal contracts from discriminating against employees on the basis of sex, race, color, religion or national origin. (Most elementary and secondary schools aren't federal contractors; many colleges and universities are.)

The Executive Order covers the same types of discriminatory situations in employment that are described under Title VII *if the school or employer is a federal contractor.*

Complaints can be made by writing a letter to the *Office of Federal Contract Compliance* (Department of Labor, Washington, D.C. 20210) or for discrimination in education to the Secretary of the Department of Health, Education and Welfare (Washington, D.C. 20201). Individuals (or groups) can make complaints on their own behalf or on behalf of other individuals (or groups). The names of complainants are usually given to the institution or employer. The government may conduct investigations of employers even if a complaint is not made. If discrimination is found, the government may delay new contracts, revoke current contracts or debar institutions from eligibility for future contracts. For educational institutions, the Executive Order is enforced by the Office for Civil Rights, Department of HEW, Washington, D.C. 20201.

The Equal Pay Act

The Equal Pay Act prohibits employers from discriminating in salaries and fringe benefits on the basis of sex. Although all schools and colleges are covered, there are a few exemptions for certain types of employment. (Check with the Department of Labor for further information.)

If a *woman is paid less or receives fewer benefits* than a man who does substantially the same work, there is a good chance that her best legal remedy is the Equal Pay Act. This includes salaries for teaching, coaching and officiating.

Complaints can be made informally by letter, telephone call or in person to the nearest Wage and Hour Division office.

Margaret C. Dunkle is Project Associate with the Project on the Status and Education of Women at the Association of American Colleges.

individuals (or groups) can make complaints on their own behalf or on behalf of other individuals (or groups). The names of complainants are kept strictly confidential and, even if court action is required, the names of complainants are never revealed without their knowledge and consent. The government may conduct investigations of employers even if a complaint is not made. If voluntary compliance fails, the Secretary of Labor may file suit. In addition, aggrieved individuals may initiate suits when the Department of Labor has not done so. As a result of these suits, the courts could order an employer to cease discriminating, as well as order salary raises and back pay. The Equal Pay Act is enforced by the Wage and Hour Division, Employment Standards Administration, Department of Labor, Washington, D.C. 20210.

Title IX of the Education Amendments of 1972

Title IX prohibits *any educational institution that receives federal money* from discriminating against either *employees or students on* the basis of sex.

Title IX covers the same types of discriminatory situations in employment that are described under Title VII. In addition, Title IX covers all types of sex discrimination by schools against students (including discrimination against women athletes in schools and colleges). For example, (although the details of Title IX coverage of sports have not been *finalized*) women students might get relief under Title IX if:

- Their physical education facilities and opportunities were much more limited than those available to the male students. (e.g., if they had second rate equipment and facilities, compared to the men, or if they could only use facilities when the men did not want them.)
- The women's teams traveled at a cut rate, while the men's teams went first class.
- They had more limited access to doctors or insurance benefits than men.
- They had less of a chance for athletic scholarships.
- They had more limited team or competitive opportunities.
- They were denied participation on a team because of their sex.

Concerning students, Title IX also has implications for a variety of areas other than sports: admissions, financial aid, equal job opportunities, equalization of student rules and regulations, single-sex honorary societies, women's studies programs, etc.

Complaints can be made by writing a letter to the Secretary of the Department of Health, Education and Welfare, Washington, D.C. 20201). Individuals (or groups) can make complaints on their own behalf or on behalf of other individuals (or groups). Although the names of complainants are kept confidential if possible, they become a matter of public record if court action becomes necessary. If discrimination is found, the government may delay new awards of money, revoke current awards or debar institutions from eligibility for future awards. In addition, the Department of Justice may also bring suit at HEW's request. Title IX is enforced by the Office for Civil Rights, Department of HEW, Washington, D.C. 20201.

The Equal Protection Clause of the Fourteenth Amendment to the Constitution

This clause reads that "No State shall . . . deny to any person within its jurisdiction the equal protection of the laws." It covers only discrimination (against students, employees, etc.) which involves action by any local or state government. Public schools, state colleges, and state and local governments are covered by the Equal Protection Clause. In addition, a number of individuals and organizations which at first appear to be private are covered.

If there is any involvement by a local or state government, a woman might seek relief under the Fourteenth Amendment for any of the discriminatory situations mentioned under the previous laws.

The Equal Rights Amendment

The proposed Equal Rights Amendment reads that "Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex." It would cover discrimination (against students, employees, etc.) only when local, state or federal participation is involved. (Public schools, state colleges and local, state and federal governments would be covered under the Equal Rights Amendment.) The Equal Rights Amendment would, in effect, require the courts to judge sex discrimination by the strict standards they have used to judge racial discrimination.

If there were any involvement by local, state or federal government, a woman would be able to seek relief under the Equal Rights Amendment for any of the discriminatory situations mentioned under the previous laws.

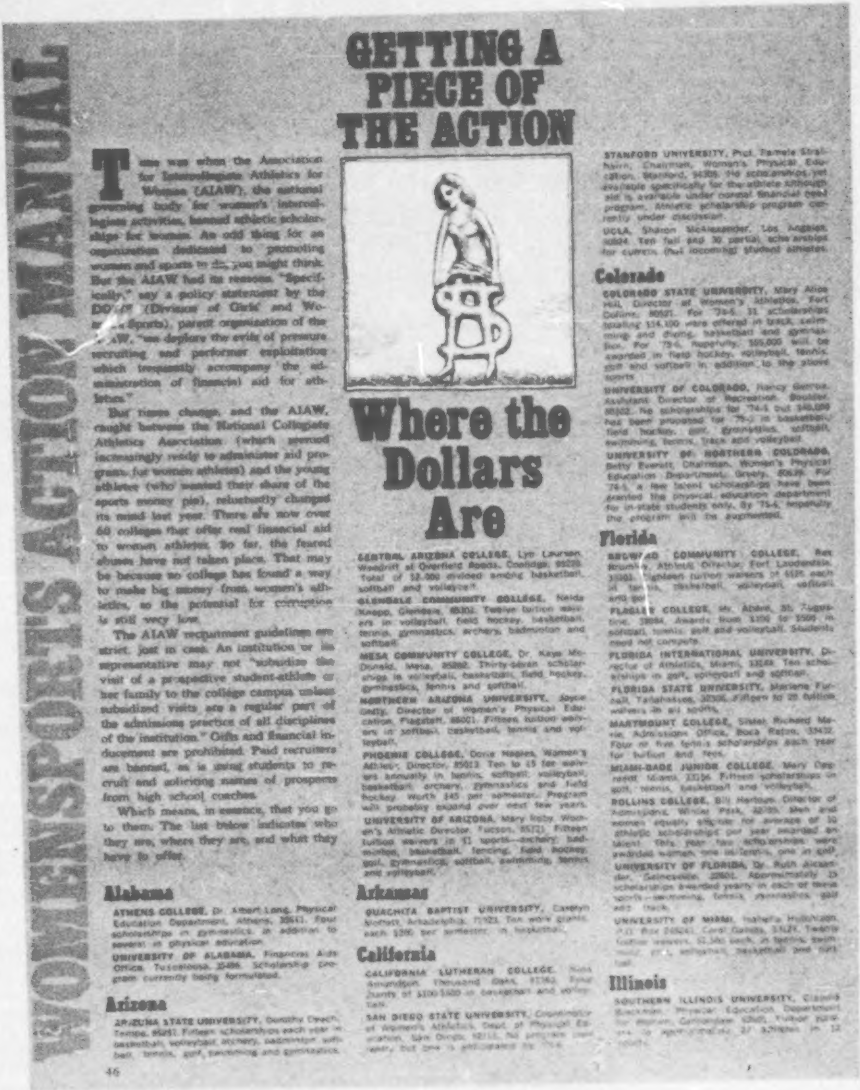
At this writing, 33 of the 38 states needed to ratify the amendment have done so. Like Equal Protection cases, there is no administrative government agency involved, but the Department of Justice would be able to bring suit. In addition, individuals may also bring suit on their own behalf. If the courts found discrimination, they would be able to order appropriate action to remedy the situation.

* * * *

If you are thinking of making a sex discrimination complaint, it is a good idea to get assistance and advice from someone who has had some experience in this area. Increasingly, advocacy groups are filing complaints on behalf of women in order to avoid harassment by their employers or schools. Although such harassment is prohibited by the laws, it can be subtle and therefore difficult to prove. For assistance and information, contact your local chapter of the Women's Equity Action League (WEAL) (see resource list for addresses), the National Organization for Women (NOW) or the American Civil Liberties Union (ACLU) Women's Rights Project. Or, if you aren't able to contact your local chapter, get in touch with their national office.

The Project on the Status and Education of Women of the Association of American Colleges has prepared a free chart that outlines Federal Laws and Regulations Concerning Sex Discrimination in Educational Institutions, available by writing to the Public Information Office, Office for Civil Rights, Department of Health, Education and Welfare, Washington, D.C. 20201.

Chicago high school basketball player Rachel Lavin and lawyer plot strategy in pressing 14th Amendment suit to win right to play on boys' team.



WOMENSPORTS ACTION MANUAL

GETTING A PIECE OF THE ACTION

Where the Dollars Are

Time was when the Association for Intercollegiate Athletics for Women (AIAW), the national governing body for women's intercollegiate activities, banned athletic scholarships for women. An odd thing for an organization dedicated to promoting women and sports to do, you might think. But the AIAW had its reasons. "Specifically," say a policy statement by the DGWS (Division of Girls' and Women's Sports), parent organization of the AIAW, "we deplore the evils of pressure recruiting and performer exploitation which frequently accompany the administration of financial aid for athletes."

But times change, and the AIAW, caught between the National Collegiate Athletics Association (which seemed increasingly ready to administer aid programs for women athletes) and the young athletes (who wanted their share of the sports money pie), reluctantly changed its mind last year. There are now over 60 colleges that offer real financial aid to women athletes. So far, the feared abuses have not taken place. That may be because no college has found a way to make big money from women's athletics, so the potential for corruption is still very low.

The AIAW recruitment guidelines are strict, just in case. An institution or its representative may not "subsidize the visit of a prospective student-athlete or her family to the college campus unless subsidized visits are a regular part of the admissions practice of all disciplines of the institution." Gifts and financial inducement are prohibited. Paid recruiters are banned, as is using students to recruit and soliciting names of prospects from high school coaches.

Which means, in essence, that you go to them. The list below indicates who they are, where they are, and what they have to offer.

Alabama

ATHENS COLLEGE. Dr. Albert Long, Physical Education Department, Athens, 35611. Four scholarships in gymnastics, in addition to several in physical education.

UNIVERSITY OF ALABAMA. Financial Aids Office, Tuscaloosa, 35486. Scholarship program currently being formulated.

Arizona

ARIZONA STATE UNIVERSITY. Dorothy Dean, Tempe, 85281. Fifteen scholarships each year in basketball, volleyball, archery, badminton, softball, tennis, golf, swimming and gymnastics.

CENTRAL ARIZONA COLLEGE. Lyn Lauren Woodriff at Overfield Roads, Coolidge, 85228. Total of $2,000 divided among basketball, softball and volleyball.

GLENDALE COMMUNITY COLLEGE. Neida Knapp, Glendale, 85301. Twelve tuition waivers in volleyball, field hockey, basketball, tennis, gymnastics, archery, badminton and softball.

MESA COMMUNITY COLLEGE. Dr. Kaye McDonald, Mesa, 85202. Thirty-seven scholarships in volleyball, basketball, field hockey, gymnastics, tennis and softball.

NORTHERN ARIZONA UNIVERSITY. Joyce Gady, Director of Women's Physical Education, Flagstaff, 86001. Fifteen tuition waivers in softball, basketball, tennis and volleyball.

PHOENIX COLLEGE. Doris Hagen, Women's Athletic Director, 85013. Ten to 15 fee waivers annually in tennis, softball, volleyball, basketball, archery, gymnastics and field hockey worth $45 per semester. Program will probably expand over next few years.

UNIVERSITY OF ARIZONA. Mary Roby, Women's Athletic Director, Tucson, 85721. Fifteen tuition waivers in 11 sports—archery, badminton, basketball, fencing, field hockey, golf, gymnastics, softball, swimming, tennis and volleyball.

Arkansas

OUACHITA BAPTIST UNIVERSITY. Carolyn Moffatt, Arkadelphia, 71923. Ten work grants, each $200 per semester, in basketball.

California

CALIFORNIA LUTHERAN COLLEGE. [illegible] Amundson, Thousand Oaks, 91360. Four grants of $100-$400 in basketball and volleyball.

SAN DIEGO STATE UNIVERSITY. Coordinator of Women's Athletics, Dept. of Physical Education, San Diego, 92115. No program currently, but one is anticipated for '75-6.

STANFORD UNIVERSITY. Prof. Pamela Strathairn, Chairman, Women's Physical Education, Stanford, 94305. No scholarships yet available specifically for the athlete although aid is available under normal financial need program. Athletic scholarship program currently under discussion.

UCLA. Sharon McAlexander, Los Angeles, 90024. Ten full and 30 partial scholarships for current (not incoming) student athletes.

Colorado

COLORADO STATE UNIVERSITY. Mary Alice Hill, Director of Women's Athletics, Fort Collins, 80521. For '74-5, 31 scholarships totaling $14,100 were offered in track, swimming and diving, basketball and gymnastics. For '75-6, hopefully, $55,000 will be awarded in field hockey, volleyball, tennis, golf and softball in addition to the above sports.

UNIVERSITY OF COLORADO. Nancy Gerou, Assistant Director of Recreation, Boulder, 80302. No scholarships for '74-5 but $40,000 has been proposed for '75-6 in basketball, field hockey, golf, gymnastics, softball, swimming, tennis, track and volleyball.

UNIVERSITY OF NORTHERN COLORADO. Betty Everett, Chairman, Women's Physical Education Department, Greeley, 80639. For '74-5, a few talent scholarships have been granted the physical education department for in-state students only. By '75-6, hopefully the program will be augmented.

Florida

BROWARD COMMUNITY COLLEGE. Rex Brumley, Athletic Director, Fort Lauderdale, 33301. Eighteen tuition waivers of $125 each in tennis, basketball, volleyball, softball and golf.

FLAGLER COLLEGE. Mr. Abare, St. Augustine, 32084. Awards from $100 to $500 in softball, tennis, golf and volleyball. Students need not compete.

FLORIDA INTERNATIONAL UNIVERSITY. Director of Athletics, Miami, 33144. Ten scholarships in golf, volleyball and softball.

FLORIDA STATE UNIVERSITY. Marlene Furnell, Tallahassee, 32306. Fifteen to 20 tuition waivers in all sports.

MARYMOUNT COLLEGE. Sister Richard Marie, Admissions Office, Boca Raton, 33432. Four or five tennis scholarships each year for tuition and fees.

MIAMI-DADE JUNIOR COLLEGE. Mary Cosgrove, Miami, 33156. Fifteen scholarships in golf, tennis, basketball and volleyball.

ROLLINS COLLEGE. Bill Hartman, Director of Admissions, Winter Park, 32789. Men and women equally eligible for average of 10 athletic scholarships per year awarded on talent. This year two scholarships were awarded women, one in tennis, one in golf.

UNIVERSITY OF FLORIDA. Dr. Ruth Alexander, Gainesville, 32601. Approximately 15 scholarships awarded yearly in each of these sports—swimming, tennis, gymnastics, golf and track.

UNIVERSITY OF MIAMI. Isabella Hutchison, P.O. Box 248041, Coral Gables, 33124. Twelve tuition waivers, $2,340 each, in tennis, swimming, golf, softball, basketball and [illegible].

Illinois

SOUTHERN ILLINOIS UNIVERSITY. Claudia Blackman, Physical Education Department for Women, Carbondale, 62901. Tuition waivers to approximately 27 athletes in 12 sports.

SOUTHERN ILLINOIS UNIVERSITY (Edwardsville), [illegible] Marie Archangel, Edwardsville, 62026. Forty-four tuition waivers in basketball, field hockey and softball to entering (not incoming) students.

UNIVERSITY OF CHICAGO, Margaret C. Perry, Director of Admissions, Chicago, 60637. Two scholarships per year for full tuition based on past athletic and academic achievements. Awardees do not have to compete in intercollegiate sport to maintain scholarships.

UNIVERSITY OF ILLINOIS, Carol Ann [illegible], Asst. Athletic Director, Champaign, 61820. Formulating plans to award scholarships by '75-'76. No program currently.

Indiana

INDIANA STATE UNIVERSITY, Dr. Eleanor St. John, Chairman, Women's Physical Education Department, Terre Haute, 47809. Seven scholarships ($13 to $24 per credit hour) awarded Indiana residents majoring in physical education. Eight scholarships awarded out-of-state students not necessarily majoring in physical education.

VINCENNES UNIVERSITY JR. COLLEGE, [illegible] Moore, Vincennes, 47591. Eight half-tuition scholarships ($30) each for in-state students, $900 each for out-of-state) per year in basketball. Five half-tuition in bowling.

Iowa

GRAND VIEW COLLEGE, Women's Athletic Department, Des Moines, 50316. Eighteen scholarships of $400-$900 in basketball, softball and volleyball. Twelve ($100-$2,200) in gymnastics.

UPPER IOWA UNIVERSITY, Dr. John Castle, [illegible] 52142. Two health, physical education and recreation students—not necessarily athletes—are awarded department grants of $400 each.

Kansas

EMPORIA KANSAS STATE COLLEGE (formerly Kansas State Teachers College), Dorothy Martinez, Emporia, 66801. Ten scholarships covering tuition for Kansas students, three for out-of-state students. Basketball, field hockey, gymnastics, softball, tennis and volleyball.

Mississippi

MISSISSIPPI STATE COLLEGE FOR WOMEN, Office of Admissions, Columbus, 39701. Sixty scholarships totaling $30,000 in basketball, volleyball, tennis, gymnastics, swimming and badminton.

Missouri

UNIVERSITY OF MISSOURI, Dr. [illegible], Director of Athletic Programs, Columbia, 65201. Limited number of golf scholarships for Missouri residents only.

Nebraska

JOHN F. KENNEDY COLLEGE, George [illegible], Athletic Director, Wahoo, 68066. Scholarships in basketball, cross country, field hockey, golf, softball, track and volleyball in various amounts based on athletic talent and financial need.

New Mexico

EASTERN NEW MEXICO UNIVERSITY, Women's Physical Education Dept., Portales, 88130. Eight partial scholarships in form of merit grants for resident students, and tuition waivers for non-resident students.

UNIVERSITY OF NEW MEXICO, Linda Estes, Women's Intercollegiate Sports Director, Albuquerque, 87106. Basketball, field hockey, golf, gymnastics, swimming, skiing, tennis and volleyball. Scholarships are in the form of tuition and amounts vary for in-and out-of-state students.

DO OR DIE FOR DEAR OLD CHICAGO, If You Feel Like It

The University of Chicago has come up with a neat solution to the problem of exploitation of scholarship athletes. Its sports scholarship, including two for women each year, come with the stipulation that the recipients don't have to compete on an intercollegiate team unless they really want to.

New York

ADELPHI UNIVERSITY, Athletic Department, Garden City, 11530. Nature of the scholarship program will be determined this fall. Women's sports include basketball, field hockey, softball, swimming and tennis.

CORNELL UNIVERSITY, Women's Physical Education Department, Ithaca, 14850. New program in which financial aid (not scholarships) will be granted.

Oklahoma

PHILLIPS UNIVERSITY, Lou Amand, Enid, 73701. Eight full tuition scholarships in basketball.

UNIVERSITY OF TULSA, Karen King, Tulsa, 74104. Golf and tennis scholarships.

Oregon

MOUNT HOOD COMMUNITY COLLEGE, Dorian Harris, Gresham, 97030. Tuition waivers of about $275 each in basketball, tennis, track and volleyball.

Pennsylvania

DUQUESNE UNIVERSITY, John Manning, Athletic Director, Pittsburgh, 15219. Scholarships in women's basketball and volleyball, [illegible] golf, riflery and tennis.

IMMACULATA COLLEGE, Marguerite Carusa, Immaculata, 19345. Two basketball scholarships.

PENNSYLVANIA STATE UNIVERSITY, Della Durant, Women's Physical Education Department, White Building, University Park, 16802. Scholarships in basketball, bowling, golf, gymnastics, lacrosse, riflery, tennis and track.

UNIVERSITY OF PITTSBURGH, Sandy Bullman, Athletic Department, Pittsburgh, 15213. Scholarships in basketball, gymnastics, swimming, tennis, track and volleyball.

Tennessee

TENNESSEE STATE UNIVERSITY, Edward S. Temple, Coordinator of Track and Field, Nashville, 37203. Nine track and field scholarships.

Texas

HOWARD COUNTY JUNIOR COLLEGE, Wanda Ferguson, Big Spring, 79720. Ten basketball and ten volleyball scholarships ($150-$250 each) based on athletic ability and academic performance.

LAMAR UNIVERSITY, Pat Park, Beaumont, 77710. Financial aid in varying amounts, including full scholarships.

ODESSA COLLEGE, Odessa, 79760. Scholarships in tennis, golf and volleyball. Contact coach for each sport—Virginia Brown for tennis, Rosie Petty for golf and Betty Hudson for volleyball.

RANGER JUNIOR COLLEGE, Ken Butler, Athletic Director, Ranger, 76470. Fifteen full basketball and 12 full track scholarships, and three partial scholarships in track.

TEMPLE JUNIOR COLLEGE, Frances Garmon, Temple, 76501. Four tennis scholarships, for which there is no specific scholastic requirement. Ten basketball scholarships, which require a 'B' average in high school. Scholarships vary from tuition and fees to full.

TRINITY UNIVERSITY, Shirley Rushing, Women's Physical Education Department, San Antonio, 78212. Six tennis scholarships.

UNIVERSITY OF HOUSTON, Sue Garrison, Athletic Department, Houston, 77004. Twenty-two scholarships for tuition and fees in volleyball, basketball, tennis, badminton and track.

WAYLAND BAPTIST COLLEGE, Dean Weese, Plainview, 79072. Twelve partial basketball scholarships according to financial need and talent.

WEATHERFORD JR. COLLEGE, Betty Jo Crumm, Weatherford, 76086. Five full and five partial scholarships in basketball.

Washington

SEATTLE PACIFIC COLLEGE, Dr. Ken Foreman, Seattle, 98119. Gymnastics and track scholarships.

SEATTLE UNIVERSITY, Robin Lobel, Seattle, 98122. Tuition and fees of $2,800 divided among gymnastics, tennis and track.

Times Change

"Some rinky-dink high school football player signs a letter of intent, and it's in all the papers. Christina Loock (above) who was on the U.S. Pan-American team when she was only a junior in high school, nobody even knew she was going to college. If she had been a guy, every college in the United States that had a swimming and diving program would have offered her a scholarship."

— Bryan Robbins, Southern Methodist University, Diving Coach

"Brenda Moyers, regarded as the top young female golfer in the city of Tulsa, has signed a letter of intent with the University of Tulsa, it was announced Saturday by Karen King, coordinator of women's athletics . . . ."

— Press Release, University of Tulsa

Where To Get Help

Legal Assistance and Information

Women's Equity Action League
(WEAL)
National Office
799 National Press Building
Washington, D.C. 20004
(203) 638-4560

NOW Legal Defense and Education
Fund
641 Lexington Ave
New York, N.Y. 10022
(212) 688-1751

Contact your local ACLU office, or
ACLU Women's Rights Project
22 East 40th St.
New York, N.Y. 10016
(212) 725-1222

For information about recent legal developments concerning women in sport, refer to back issues of the *Women's Rights Law Reporter*, 180 University Avenue, Newark, N.J. 07012.

Resource Centers for Women in Sport

NOW Task Force on Women in Sports. Working for equal rights for women in school athletics, public recreation, legislation, media coverage. Nationwide coordination of local action. Write c/o NOW National Office, 5 South Wabash, Suite 1615, Chicago, Ill., 60603. (312) 332-1954.

Center for Women and Sport. (The Sports Research Institute, College for Health, Physical Education and Recreation, White Building, University Park, Pa., 16802.) Directed by Dr. Dorothy V. Harris, the center was formed to expand research on the female involved in physical activity.

WEAL has developed a "sports kit" focusing on the inequities in athletics and on the Title IX regulations on discrimination. Contains a report by the Project on the Status and Education of Women, *What Constitutes Equality for Women in Sports?* (Association of American Colleges, Washington, D.C., 1974). Good general "resource" list.

Selected Books and Reports Focusing on Women in Sport

Gerber, Ellen, et al. *The American Woman in Sport.* Addison-Wesley Publishing Company, 1974. (Available for $10.95 from Addison-Wesley, Reading, Mass. 01867.)

Harris, Dorothy V., ed. *DGWS Research Reports: Women in Sports.* 2 vols. American Alliance for Health, Physical Education and Recreation, 1971 & 1973. Vol. 1 is $3; Vol. 2 is $3.25; from AAHPER, Publication-Sales, 1201 16th St., N.W., Washington, D.C. 20036.)

Harris, Dorothy V., ed. *Women and Sport: A National Research Conference.* The Pennsylvania State University, 1972. (Available for $5 from the Continuing Education Office, The Pennsylvania State University, University Park, Pa. 16802).

Harris, Dorothy V., ed., *The Female, Exercise and Sport.* Tentatively scheduled for publication in early 1975.

Hoepner, Barbara J., ed., *Women's Athletics: Coping With Controversy.* American Alliance for Health, Physical Education, and Recreation, 1974. (Available for $3.25 from AAHPER, Publications-Sales, 1201 16th St., N.W., Washington, D.C., 20036).

Klafs, Carl and Lyon, Joan. *The Female Athlete. Conditioning, Competition and Culture.* C.V. Mosby Co., St. Louis, Mo., 1973. $6.

Miller, Donna Mae. *Coaching the Female Athlete.* Lea & Febiger, Philadelphia, Pa., 1974. $9.50; 212 pp.

Selected Studies of the Status of Women in Sport

Committee to Eliminate Sex Discrimination in the Public Schools and the Discrimination in Education Committee of the National Organization for Women. *An Action Proposal to Eliminate Sex Discrimination in the Ann Arbor Public Schools.* March 1972. (Available for 75 cents from KNOW, Inc., Box 86031, Pittsburgh Pa., 15221).

Federbush, Marcia. *Let Them Aspire: A Plea and Proposal to Eliminate Sex Discrimination in the Public Schools.* November 1973 (4th ed.). (Available for $3 from KNOW, Inc., Box 86031, Pittsburgh, Pa., 15221.)

Rubin, Richard A. "Plan to Eliminate Sex Discrimination in High School Interscholastic Athletics." *Syracuse Law Review*, 1974. Vol. 25:535. (Available through Twin Cities NOW, P.O. Box 9629, Minneapolis, Minn. 55440. Send large stamped self-addressed envelope.)

Rothchild, Nina, ed. and pub., *Sexism in the Schools: A Handbook for Action* (1974). Emma Willard Task Force, 14 Hickory St., Mahtomedi, Minn. 55115. (66 pp., $2).

Publications of the Association for Intercollegiate Athletics for Women

(Available from American Alliance for Health, Physical Education and Recreation, Publication - Sales, 1201 16th St., N.W., Washington, D.C., 20036.)

AIAW Handbook, $2.50.

AIAW Directory: Charter Member Institutions. $3.25.

Philosophy and Standards for Girls' and Women's Sports. $2.50

Guidelines for Intercollegiate Athletic Programs for Women. 10 cents.

Boring, Phyllis Zatlin. "Girl's Sports: A Focus on Equality." *NJEA Review.* (Contained in WEAL "Sports Kit" or for $3.25 from AAHPER, Publications-Sales, 1201 16th St., N.W., Washington, D.C., 20036.)

Craig, Timothy T., ed. *Current Sports Medicine Issues.* District of Columbia: American Association for Health, Physical Education, and Recreation, 1974. (Available for $3.25 from AAHPER, Publications-Sales, 1201 16th St., N.W., Washington, D.C., 20036.)

Selected Articles dealing with Women in Sport

Barnes, Bart, and Scannell, Nancy. "The Girls in the Locker Room." 3 part series. *The Washington Post*, May 12-15, 1974.

Edwards, Harry. "Desegregating Sexist Sport." *Intellectual Digest*, November 1972, p. 82.

Fasteau, Brenda Feigen. "Giving Women a Sporting Chance." *Ms.*, July 1973, p. 56.

Gilbert, Bil, and Williamson, Nancy. "Women in Sport." 3 part series. *Sports Illustrated*, May 28, June 4 and June 11, 1973. (Update July 29, 1974.)

Hart, Marie. "Sport: Women Sit in the Back of the Bus." *Psychology Today*, October 1971, p. 64.

Murphey, Elizabeth, and Vincent, Marilyn. "Status of Funding of Women's Intercollegiate Athletics." Journal of Health, Physical Education and Recreation, October 1973, p. 11.

"Special Issue: Revolution in Sports." *Nation's Schools*, September 1973.

"Women—The Compleat Athlete?" Medical World News 15:34, 24 May 1974. $1.75 for xerox of article. M. W. News, 1221 Ave. of the Americas, New York, N.Y. 10020.

FREEDOM IS JUST AROUND THE CORNER

Here Come the Carpetbaggers

Everything is changing for women in sport—even the enemies we thought we could count on. After banning women for nearly 70 years and spending close to $300,000 to lobby against Title IX, the National Collegiate Athletic Association (NCAA) and the National Junior College Athletic Association (NJCAA) are suddenly doing things like hosting conferences on women in athletics, setting up women's divisions and sponsoring women's athletic events. The first question that comes to mind is, "What do they want?"

Part of the answer is that outstanding athletes, even women, are saleable, profitable and manipulable. The organizations that control them reap profits from TV rights and enjoy the power and prestige of governing national and international competition.

"Walter Byers, the president of NCAA, hates women, at least in the athletic context," says a source who has worked with him, "but he loves personal power. He says 'jump,' and the NCAA jumps. He wants to be as powerful as Pete Rozelle."

After years of struggle, women athletes finally have something to offer the power-mongers. They are attracting spectators and even TV coverage. Thanks to Title IX and no thanks to NCAA and NJCAA, they will soon have the funding to develop programs that are equivalent to the men's. They will also have more power and a stronger say in what happens in national sports. They may even change the whole sports scene for the better by taking some of the big bucks away from football and basketball and giving them to "minor" sports and by shifting the emphasis of athletic policy from exploitation for the few to participation for the many. Insiders say that the men in power fear this last possibility even more than the loss of funds to women's sports.

"If Byers can grab hold of the women, he can keep them quiet," says our source. "He can give them a bone once in a while without having to really develop their programs in the best way for them and without having to give them equal representation and power within the NCAA."

Power struggles are nothing new on the national sports scene, where there is an uneasy balance among the major interest groups. The NCAA, the biggest and oldest men's group, controls intercollegiate sports in all the major colleges and universities in the nation. The NJCAA governs about 500 of the 1,000 or so two-year colleges. The National Association for Intercollegiate Athletes (NAIA) governs men's athletics in colleges of modest size.

Until recently, all the collegiate men's groups excluded women, and the women took care of their own business through small policy-making groups within the largest physical education organization in the country, the American Alliance for Health, Physical Education and Recreation (AAHPER). One of these, the National Association for Girls' and Women's Sports (NAGWS), formerly called DGWS, standardizes rules of play and recommends philosophies for competition between women. In 1971, DGWS founded the Association for Intercollegiate Athletics for Women (AIAW), the first and only organization governing women's intercollegiate athletics. AIAW, which has 511 college and university members, gave women athletes their first real chance at high-level college competition and now it offers ten national championships annually.

The Amateur Athletic Union (AAU) sponsors competition for both males and females through club (not school-related) sports. The AAU, the NCAA and the NJCAA have been battling for control of athletes for years. Their greatest rivalry is over international competition, particularly the Olympics, where women play a more important part than they do in American sports.

The Plot Thickens

In order to control who is chosen to represent the United States in the Olympics, an organization must be able to present female as well as male candidates to the United States Olympic Committee (USOC). (Any males-only organization is limited internationally; it has less power in the USOC.)

The AAU has had the power advantage since it includes women, and controls other groups with female membership on the USOC.

by Candace Lyle Hogan

ALPHABET SOUP

With so many organizations struggling for control of women's athletics, you almost can't tell the players without a menu.

AIAW

Association for Intercollegiate Athletics for Women, the first and only national group regulating intercollegiate competition for women, an affiliate of AAHPER.

NCAA

National Collegiate Athletic Association, the rich and powerful organization controlling men's intercollegiate competition and angling for control of the women's. (NJCAA, National Junior College Athletic Association, plays the same role for junior colleges.)

AAU

Amateur Athletic Union; controls male and female amateur athletes through club sports, and is NCAA's rival in the struggle over the Olympics.

AAHPER

American Alliance for Health, Physical Education and Recreation; men and women teachers, coaches, and administrators in physical education; parent group of AIAW and NAGWS.

USCSC

United States Collegiate Sports Council; decides who represents the U.S. at the World University Games. USOC, United States Olympic Committee does the same thing for the Olympics.

NAGWS

National Affiliation for Girls' and Women's Sports (formerly DGWS) is an affiliate of AAHPER that sets policies and standards for girls and women in school sports.

AL DENTE

A secret organization of kindly old sporting gentlemen waiting in the wings with the offer we can't refuse?

"If Byers can grab hold of the women's groups, he can give them a bone once in a while without really developing their programs."

Sensing its weakening power position the NCAA resigned from the USOC in 1972. It chose a strategic time, when the Munich murders had already put the Olympics in a bad light. Now, by backing the Tunney and Pearson bills calling for reform of the Olympics, it hopes to convince Americans that the Olympics are corrupt.

The NCAA may even be able to keep some of the best American athletes out of the 1976 Olympics by barring certain athletes who compete in AAU meets from NCAA events. (Obviously, this is a serious threat to athletes who must participate in NCAA events to keep their scholarships.)

If the NCAA succeeds in keeping the best athletes away from the Olympics, the American showing may be very poor. And that, in turn, will further the NCAA's objective: turning the World University Games, which according to the NCAA, "are to international collegiate athletics what the Olympic Games are to international amateur athletics," into the most important international athletic event.

The NCAA has more power over the United States Collegiate Sports Council (USCSC), which decides who goes to the World Games, than it ever had over USOC. It sits on USCSC's board along with NJCAA, the NAIA, the National Association of Collegiate Directors of Athletics, and AAHPER, which, through AIAW, is the only organization that can provide women athletes to the World Games. AAHPER is represented by Roswell Merrick of AAHPER proper and Carole Oglesby of the AIAW. They cast one vote between them. "We always give the vote to the women to cast," says an AAHPER source, "and that really burns Walter Byers up. NCAA never records it as the woman's vote, and whenever they refer to AAHPER's representation, they name Merrick."

"Because the NJCAA usually goes along with the NCAA but NAIA and AAHPER don't, the USCSC board is often deadlocked," says a source, "and that displeases NCAA." In April the NCAA proposed that any organization that could not pay $15,000 in annual dues be ousted from the board. That would have eliminated AAHPER, which can barely afford the $4,000 it now pays. So they accepted a compromise: The National Association of Collegiate Directors of Athletics was added to the board to make a fifth vote and potential tiebreaker —probably in favor of the NCAA.

The Politics of Takeover

The NCAA has the money to buy the franchise of the World Games out from under the USCSC. All it lacks is a way to provide women athletes. But it is the NJCAA rather than the NCAA that has made the first move toward forming its own women's division. "They told me about their plans," says an AIAW spokeswoman, "and I told them all the reasons why they should mind their own business. I said, 'Where were you the last ten years when we were fighting with nothing? Why didn't you help us then, and why do you want us now?'"

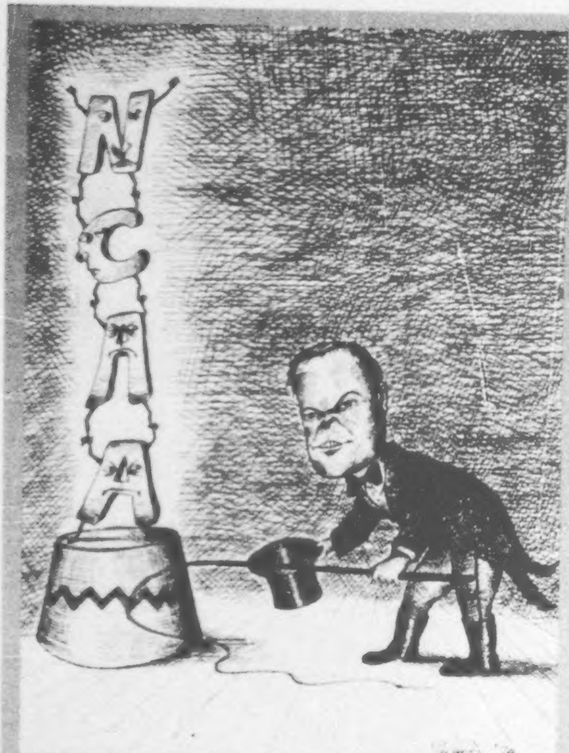
Early this year, the NJCAA asked their 21 regional directors to meet with the women in their regions to discuss the election of women representatives to the constitutional convention of the women's division next March. According to NJCAA executive director, George Killian, six to eight regions have already chosen representatives. Killian believes that right now the women's departments of most of NJCAA's member schools are "leaning toward the NJCAA instead of AIAW." To boost enthusiasm, he will sponsor three invitational tournaments, the first women's events NJCAA has ever had, this year.

The crucial question for women, of course, is who would control the women's programs. Killian says the NJCAA will hire a director of its women's division "when monies are available," but she will have less power than he himself will. "In essence," says the AIAW spokesperson, "Killian would speak for the junior college women in the national and international sports arena."

When challenged about his right to represent women, Killian is reported to have said, "Well, you know in international circles they still don't recognize skirts."

Adding a women's division to the NJCAA may even make it easier for men to control women's programs at the individual colleges. "I talked to some college presidents," said Killian, "who said that they were going to have one athletic director. They say they don't care whether it's a man or a woman, but they're going to have one person be responsible for both programs. In other words, *he's* going to oversee the program." (Our italics.)

In response to charges that the NJCAA is forming a women's division solely to gain the edge in the World Games struggle, Killian says, "That would be ridiculous," but he does admit that a proposed change in the USCSC constitution may be adding impetus to the men's rush for women athletes. It would allow only those organizations with a national women's program in a particular sport to be represented on the women's games committees in the USCSC. "The NCAA would not be



"Walter Byers hates women, at least in the athletic context. But he loves personal power. He says, 'Jump!' and the NCAA jumps."

represented," he pointed out, "because the NCAA doesn't have any women's programs."

"Some members would like to see the NCAA have a women's division," says NCAA spokesman Jerry Miles "and the NCAA wouldn't be opposed to it. We'd be perfectly willing to see if we could do it. But we do not plan to form one at this time. We've had much negotiating with AIAW about what they want us to do to help women's intercollegiate sports, but we don't want to take over something that some organization has claim to."

If the NCAA *did* decide to form its own women's division, it could pressure college presidents into asking their women to join with the threat of selective enforcement of NCAA rules. "Every college and university wants to avoid being investigated," says a source, "because they're all guilty of recruitment violations or something that could lose them their NCAA sanction." The NCAA could probably make sure that women at the big football schools joined, but the best women athletes come, not from the Big 10 and Big 8 schools, but from small colleges like Immaculata College in Pennsylvania and Prairie View A & M in Texas. And these colleges belong to AIAW.

"Byers doesn't wield such a big stick with AIAW, so he has to handle us in a different way, like telling us we're not important because sports reporters don't know about us," says a source. "I don't think he could

When challenged about his right to represent women, George Killian reportedly said, "Well, you know, in international circles they still don't recognize skirts."

get any of the long-time professional leaders of AIAW to affiliate with the NCAA because we're hip to him. But what if he said to one of the new-guard factions in our organization, 'Want a job at $50,000 a year as our women's division director?' Then whatever goodies, from television or whatever, came in because of the women would go to the NCAA. Control of sport would remain with the NCAA. But then again Byers has already said he wouldn't offer the job to anyone in our organization who would be willing to take it because she would be too radical for him. She'd look across the hall at Joe Schmoe, the director of men's athletics, and see that he's getting $150,000 a year compared to her measly $50,000 or $20,000 and she'd become very perturbed. Byers doesn't want radical women in there stirring up trouble and demanding half, so he'll try to avoid that."

Byers himself remained unavailable (during several weeks of *WomenSports'* phone calls to his office) to respond to charges that the NCAA aims to take control of women's intercollegiates.

So right now Byers must woo AIAW. And he seems to be doing just that. Early this year his NCAA council resolved that AIAW and NCAA should have a joint conference. AIAW agreed. It was set for late July (unfortunately past press time). Carol Gordon, past president of AIAW, says the joint conference will be a forum "where we can discuss how we can work together rather than always be at odds." Carol Oglesby, who will also be attending, recalled, "The NCAA tentatively asked us to join them a while ago and Carol Gordon's response was that we weren't any more interested in becoming a part of the NCAA than the NCAA was in becoming a part of us. So now the NCAA is trying to figure out what to do with us and we're trying to figure out what to do with them."

If male athletic directors or college presidents usurp the women's right to decide which organization the women's program will join they would probably choose the NCAA because they are familiar with the men's organization and ignorant of AIAW.

If no compromise is reached between AIAW and the NCAA, the two organizations will probably be joined in a very uneven struggle. The NCAA is huge, powerful and moneyed and it lobbies in Washington. The AIAW is small, idealistic, poor and politically naive.

The NCAA, which was founded in 1906, has had time (and football) in which to become crafty and its executive director, Walter Byers, has been around since 1951. The AIAW was formed in 1971, and its officers are elected for one-year terms.

The NCAA has 50 full-time paid employees and an operating budget of $1.5 million. AIAW's staff is all volunteer except for a program assistant and a brand-new executive director.

The NCAA is a sophisticated user of the media, with its own publishing offices and a service devoted to statistical compilations. It earns 25% of its budget by selling football games to TV. Most sportswriters have never heard of AIAW.

Eventually Title IX will bring AIAW money of its own, but it may be too late. According to one NCAA coach, "By stalling Title IX, the NCAA has effectively prevented the women from strengthening their organization and has given Walter Byers the time he needs to figure out a way to take over women's intercollegiates. He wasn't ready two years ago, and if Title IX had been sucking funding to women during that time, AIAW might have had a chance to grow strong enough to keep its autonomy."

Can AIAW hold out? "We've never been involved with people like Walter Byers or George Killian before," says a male AIAW affiliate. "We've never had rape attempted. We don't know quite how to cope. Since we can't fight Byers in the same way he's fighting us—with money—we'll have to gear up differently. We have thousands of people inside AAHPER who would support us through a grass-roots response if we could get them informed."

AIAW is gearing up by increasing its dues to $150, sponsoring more championships and developing a junior college division before the NJCAA forms its.

Some of AIAW's problems are internal. There is disagreement between its old guard, made up of experienced professionals like AAHPER president Katherine Ley, Celeste Ulrich, Carol Gordon, Leotus Morrison, Fran Koenig and Mildred Barnes, and its new guard of young coaches like Linda Estes and Jan Felshin. The old guard, radicals in their own day, want change, but they are loyal to the NAGWS ideal of low-key competition. Linda Estes (who has been known to call DGWS, "Don't Give Women Sports") and other new-guard members complain that the old guard are too slow to demand change and too devoted to physical education at the expense of high-level competition.

Hopefully these differences can be resolved. "I don't really know what the women want," says one member, "but I do know that if women join the men's organizations, the men will run the whole show from the bottom up."

Boys and Girls Together: The Coed Team Controversy

Ten years ago, the girls of Brooklyn still wore gym bloomers and spent half of every semester learning to dance the Alley Cat from middle-aged gym teachers who wore tailored suits and polished sneakers. The boys lined up in military fashion and learned calisthenics from an ex-drill sergeant who threatened slackers with the ultimate punishment of spending next week's gym classes with the girls. Back in this mesozoic era of the '60s the girl chosen as the school's "Best Female Athlete" was invariably a cheerleader. I went out for the Midwood High School boys' tennis team.

I hadn't known it was an all-male team; no one had thought that needed explaining. One day in homeroom there was just an announcement for tryouts for the varsity tennis team. So at 3 p.m. my mother and I drove up to the Kings Highway Tennis Courts and I bounced up to the coach, racquet in hand, waiting for his command.

Then I looked around.

Everyone on the court was male—except me. The coach saw my astonishment and, trying to be gentle, offered to let me hit a few before I went home. But, of course, I wouldn't be able to try out for the team. No, he said, no other girls had made the same mistake.

I left quickly. I was not angry or self-righteous. I was just embarrassed. Embarrassed, because I had been so foolish to assume that both boys and girls would be eligible to play on a school's only varsity tennis team.

Today, Midwood High has a girls' tennis team. But if they didn't, Midwood would have to allow girls to try out for its boys' team in accordance with a New York State ruling prohibiting sex discrimination on teams in non-contact sports. And in other states, if a girl were refused the chance to try out for her school's only tennis team, she wouldn't sulk home in humiliation. She'd probably go to court.

In the last few years, a number of young female athletes have sued for the right to participate on male varsity teams, and many have been successful. As a result of court rulings, many state athletic associations have changed discriminatory regulations which, ironically, were originally written to protect female athletes from unfair competition. In some places, such as New York, women can compete on men's teams only when no girls' team exists; in other places, like Minnesota, girls can choose to go out for which ever team they prefer. Most of the states still prohibit girls from competing with men in contact sports, but states like California allow girls to try out for all teams if no comparable girls' team exists. Not all court cases have led to rule changes, however. In the last 18 months, the majority of court decisions have upheld statewide rulings prohibiting integrated teams.

Nevertheless, anticipating a rash of lawsuits similar to those brought at the high school level, the NCAA and the major athletic conferences decided to permit women on their teams, although member schools still have the final say over who gets to compete.

Indeed, in many cases where women have had the right to participate on men's teams, they've chosen to stick with the girls. For example, when Antoinette Pierre won the right to ski with her high school's all-male ski team, few girls followed her lead because the women's teams had begun to develop. When Yale tennis player Linda Rosenblum recently had the choice of playing with the men or the women, she chose the women, saying that she did not consider the men's team much of a step up.

At the same time, however, Yale diver Charlise Brown left the women's swim team to join the men. In contrast to Rosenblum, she said she felt that to develop further, she must train and compete with the men.

The idea of coed teams has found its greatest ally in the men. They realize that allowing girls to join already existing boys' teams—rather than creating or upgrading separate girls' teams—will be the simplest and least-costly compromise to the sweeping demands of zealous female athletes for equality. Many female athletes, and a number of feminists who have joined the athletic fight, favor coed teams as a short-term solution. They feel that the only way women will achieve equality in the next few years is to join the better-funded, better-trained men's teams.

But some women—particularly female athletic administrators and coaches—are opposed to any form of integration now or in the future. They feel the trend toward integration spells doom for women's varsity programs. They oppose not only attempts to fully integrate a school's only team, but also attempts by the few exceptional female athletes to move up from the women's programs to the men's. Some of these women think that neither women nor men should be exposed to the high-pressure competition male teams experience; others are afraid that women will be only second-string players on men's teams. They also

(continued on page 56)

by Ellen Weber

SUSIE KINCADE, UCLA men's varsity diver. In 1972, her freshman year, Kincade went undefeated on the three-meter board and placed well in the Pacific 8 finals. Last year she came home with a first and a handful of seconds and thirds.

"Since the divers don't practice with the swimmers, the first time I saw some of the guys on the team was on the trip to our first meet. There was a lot of ice in the air, plenty of cold stares. Then there was no locker room for me, and I had to get dressed in the pump room. I felt so out of place that for a fleeting moment, I thought, 'I can't do this.'

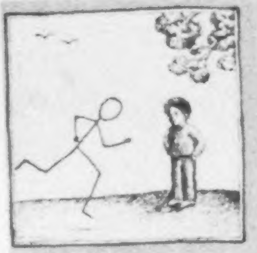
"I had no idea it would be so bad. It all came down on me very hard. I had to prove myself not only as a diver, but as a woman diver among men. I wasn't even accepted by my own team, let alone the other team.

"I did pretty well at that meet and I'm sure that being successful helped me to be accepted. Once the ice was broken, it was great—like having 25 big brothers.

"Since I competed against men rather than women, I was barred from the Women's Collegiate National Championships; and I never made it to the National Collegiate Athletic Association championships because the men's standards are so much higher than the women's. This may well have hurt my reputation, but it was worth it for the rest of the experience.

"If a woman is trying to prove a point, I don't think she belongs on any team, but if she really is

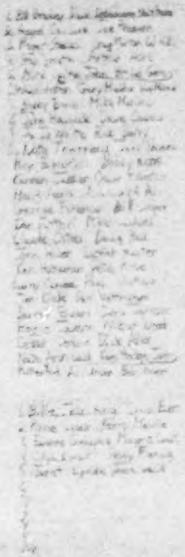
(continued on p. 56)



5 yea[illegible] so girls and boys wouldn't
grow up hating each other

Kids Spill the Beans

You don't need a crystal ball to predict the future. All you need is children, the residents of the future. We asked 125 fifth graders in Florida, California and Massachusetts to take part in an informal survey to determine their attitudes toward sports. Here's what they said:



Name 10 male and 10 female athletes.

We gave the kids a lot of leeway on this question, allowing any answer that was even vaguely recognizable. Ten-year-old Americans may be the world's greatest media junkies, so it's no wonder that Dinah Shore was an obvious choice. She passed, but Jane Goodall and Diana Ross didn't. We still don't know who Chief J. Strongbow and Andre the Giant are, but we decided to recognize Secretariat as a legitimate male athlete.

Predictably the boys surpassed their quota of ten, naming an average of 12.2 male athletes. (Top score was 60 men.) But they fell woefully short in identifying women in sports (2.2 average). Too many put nothing down. The girls were less erratic, with averages of 8.2 men and 3.5 women.

The Florida girls identified an average of 5.4 women athletes, far above the national figures for boys or girls. Billie Jean King was far and away the most recognizable athlete; 121 children identified her. Mark Spitz was a distant second with 82, followed by Hank Aaron (77), Joe Namath (76) and Bobby Riggs (58). Olga Korbut was the only other female athlete among the top ten, placing 7th with 54. There were some regional preferences. Bobby Orr and Phil Esposito frequently turned up on Massachusetts questionnaires, while Florida kids picked Larry Csonka and Chris Evert. California fifth graders were mixed in their response. Those athletes with good media coverage made everyone's list.

Who is your favorite athlete?

[illegible]

Favorites among favorites were Namath, Aaron, Ruth, Mays, Spitz, Csonka, BJK, "little Olga," Peggy Fleming, Chrissie. There was a predilection for baseball and football stars. Boys almost always picked men; girls were 50-50, although many who named males qualified their choices with "he's cute." Billie Jean King was the most admired athlete among the 10-year-old girls we polled because she was "skilled," "knew what she was doing," "fought to win," "played good, hard games" and "proved that a woman's place is not in the home." One of the most highly thought of, but widely misspelled, names in sports was Hank Aaron.

What is an athlete?

[illegible]

Ten year olds have a very sophisticated understanding of athletic competition and professionalism. Some responses: "An athlete is a person who is a professional in one particular sport and becomes famous." "An athlete is a person or persons competing against one another to find whose skill or muscles are better in a certain event." "Any person participating in a sporting event, except motorized events." "An athlete is just like any other worker."

What sports do you play and why?

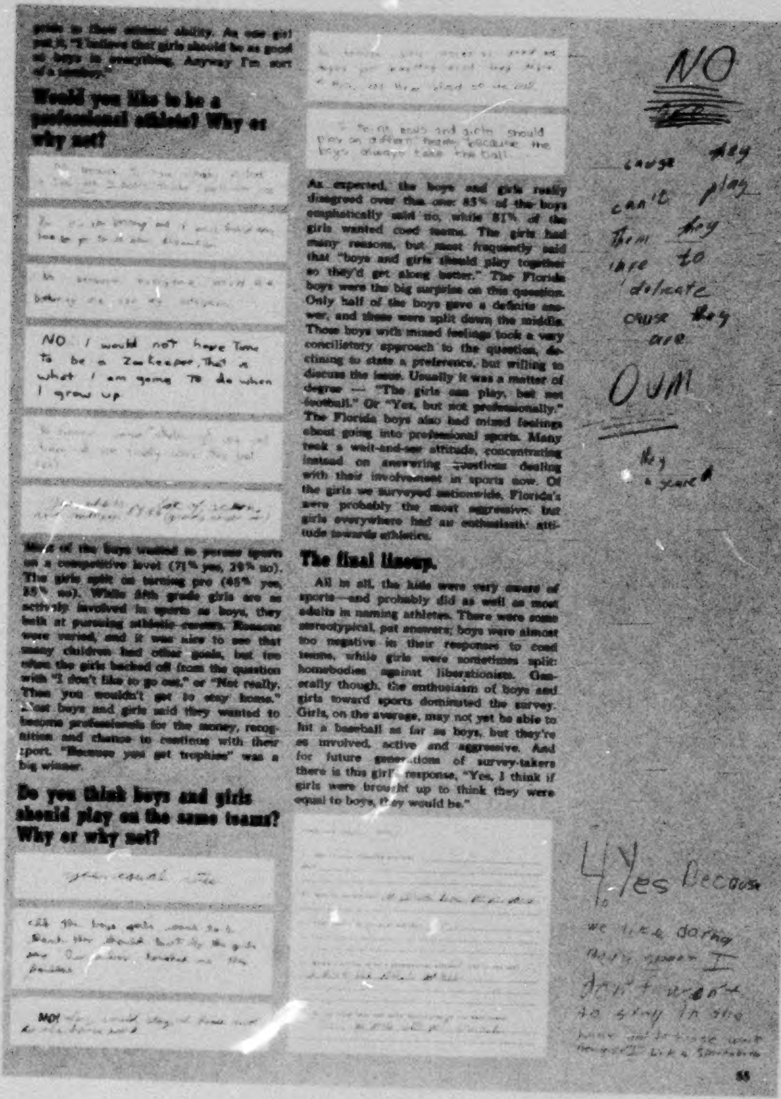
[illegible]

Football I like
for toughness [illegible]

Probably the most extensive response. Kids are, if anything, overwhelmingly physical. The ones we polled rattled off 1001 sports they enjoyed, everything from football, baseball, tennis, swimming, horseback-riding to giant ball, judo, moonball, miniature golf, ice hockey and jacks. Almost all of the children picked baseball (the No. 1 favorite) followed by football, basketball and kickball—the girls were no exception.

The girls equalled the boys in their enthusiasm for contact sports. Oddly enough, while only one boy stated a preference for wrestling, three girls chose boxing, one wrestling and one judo because "you feel strong." Many girls chose contact sports for the "action," "It's tuff," "it keeps you moving" and "I love to run." All of the children were quick to point with

by Nancy Ziegler



pride in their athletic ability. As one girl put it, "I believe that girls should be as good as boys in everything. Anyway I'm sort of a tomboy."

Would you like to be a professional athlete? Why or why not?

[illegible]

[illegible]

[illegible]

NO I would not have Time to be a Zookeeper, that is what I am going To do when I grow up

[illegible]

[illegible]

Most of the boys wanted to pursue sports on a competitive level (71% yes, 29% no). The girls split on turning pro (45% yes, 55% no). While 5th grade girls are as actively involved in sports as boys, they balk at pursuing athletic careers. Reasons were varied, and it was nice to see that many children had other goals, but too often the girls backed off from the question with "I don't like to go out," or "Not really. Then you wouldn't get to stay home." Most boys and girls said they wanted to become professionals for the money, recognition and chance to continue with their sport. "Because you get trophies" was a big winner.

Do you think boys and girls should play on the same teams? Why or why not?

[illegible]

[illegible]

NO! [illegible]

[illegible]

I think boys and girls should play on different teams because the boys always take the ball.

As expected, the boys and girls really disagreed over this one: 85% of the boys emphatically said no, while 81% of the girls wanted coed teams. The girls had many reasons, but most frequently said that "boys and girls should play together so they'd get along better." The Florida boys were the big surprise on this question. Only half of the boys gave a definite answer, and these were split down the middle. Those boys with mixed feelings took a very conciliatory approach to the question, declining to state a preference, but willing to discuss the issue. Usually it was a matter of degree — "The girls can play, but not football." Or "Yes, but not professionally." The Florida boys also had mixed feelings about going into professional sports. Many took a wait-and-see attitude, concentrating instead on answering questions dealing with their involvement in sports now. Of the girls we surveyed nationwide, Florida's were probably the most aggressive, but girls everywhere had an enthusiastic attitude towards athletics.

The final lineup.

All in all, the kids were very aware of sports—and probably did as well as most adults in naming athletes. There were some stereotypical, pat answers; boys were almost too negative in their responses to coed teams, while girls were sometimes split: homebodies against liberationists. Generally though, the enthusiasm of boys and girls toward sports dominated the survey. Girls, on the average, may not yet be able to hit a baseball as far as boys, but they're as involved, active and aggressive. And for future generations of survey-takers there is this girl's response, "Yes, I think if girls were brought up to think they were equal to boys, they would be."

[illegible]

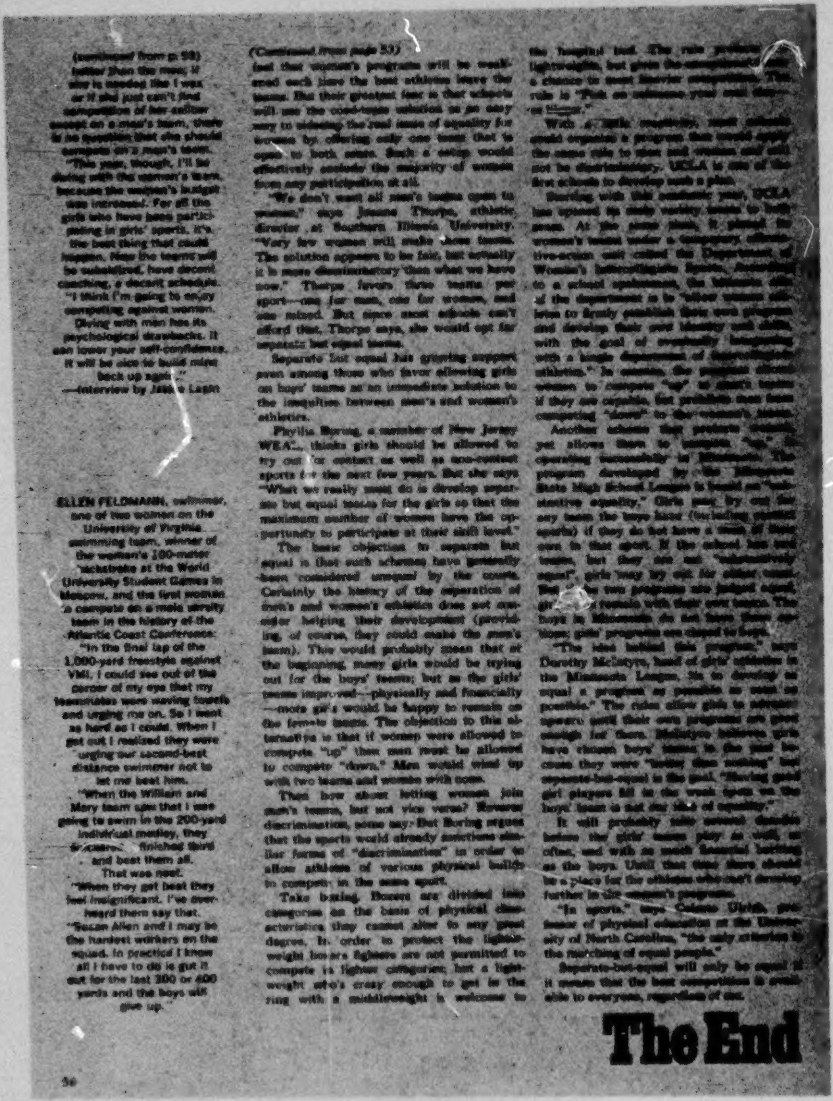
NO

cause they
can't play
them they
have to
delicate
cause they
are
OUM

they
a year

4 Yes because
we like doing
[illegible] I
don't want
to stay in the
[illegible]

55



(continued from p. 58)
better than the men; if she is needed like I was or if she just can't find competition of her caliber except on a man's team, there is no question that she should compete on a man's team.

"This year, though, I'll be diving with the women's team, because the women's budget was increased. For all the girls who have been participating in girls' sports, it's the best thing that could happen. Now the teams will be subsidized, have decent coaching, a decent schedule.

"I think I'm going to enjoy competing against women. Diving with men has its psychological drawbacks. It can lower your self-confidence. It will be nice to build mine back up again."

—Interview by Jessie Lapin

ELLEN FELDMANN, swimmer, one of two women on the University of Virginia swimming team, winner of the women's 100-meter backstroke at the World University Student Games in Moscow, and the first woman to compete on a male varsity team in the history of the Atlantic Coast Conference:

"In the final lap of the 1,000-yard freestyle against VMI, I could see out of the corner of my eye that my teammates were waving towels and urging me on. So I went as hard as I could. When I got out I realized they were urging our second-best distance swimmer not to let me beat him.

"When the William and Mary team saw that I was going to swim in the 200-yard individual medley, they scratched. I finished third and beat them all. That was neat.

"When they get beat they feel insignificant. I've overheard them say that.

"Susan Allen and I may be the hardest workers on the squad. In practice I know all I have to do is gut it out for the last 300 or 400 yards and the boys will give up."

(Continued from page 53)
feel that women's programs will be weakened each time the best athletes leave the teams. But their greatest fear is that schools will use the coed-team solution as an easy way to sidestep the real issue of equality for women by offering only one team that is open to both sexes. Such a setup would effectively exclude the majority of women from any participation at all.

"We don't want all men's teams open to women," says Joanne Thorpe, athletic director at Southern Illinois University. "Very few women will make those teams. The solution appears to be fair, but actually it is more discriminatory than what we have now." Thorpe favors three teams per sport—one for men, one for women, and one mixed. But since most schools can't afford that, Thorpe says, she would opt for separate but equal teams.

Separate but equal has growing support even among those who favor allowing girls on boys' teams as an immediate solution to the inequities between men's and women's athletics.

Phyllis Boring, a member of New Jersey WEAL, thinks girls should be allowed to try out for contact as well as non-contact sports for the next few years. But she says "What we really must do is develop separate but equal teams for the girls so that the maximum number of women have the opportunity to participate at their skill level."

The basic objection to separate but equal is that such schemes have generally been considered unequal by the courts. Certainly the history of the separation of men's and women's athletics does not consider helping their development (providing, of course, they could make the men's team). This would probably mean that at the beginning, many girls would be trying out for the boys' teams; but as the girls' teams improved—physically and financially—more girls would be happy to remain on the female teams. The objection to this alternative is that if women were allowed to compete "up" then men must be allowed to compete "down." Men would wind up with two teams and women with none.

Then how about letting women join men's teams, but not vice versa? Reverse discrimination, some say. But Boring argues that the sports world already sanctions similar forms of "discrimination" in order to allow athletes of various physical builds to compete in the same sport.

Take boxing. Boxers are divided into categories on the basis of physical characteristics they cannot alter to any great degree. In order to protect the lighter-weight boxers fighters are not permitted to compete in lighter categories; but a lightweight who's crazy enough to get in the ring with a middleweight is welcome to the hospital bed. The rule protects lightweights, but gives the competitive [illegible] a chance to meet heavier competition. The rule is "Pick on someone your own size—or bigger."

With a little ingenuity, most schools could organize a program that would apply the same rule to men and women and still not be discriminatory. UCLA is one of the first schools to develop such a plan.

Starting with this academic year, UCLA has opened up male varsity teams to both sexes. At the same time, it placed its women's teams under a temporary affirmative-action unit called the Department of Women's Intercollegiate Sports. According to a school spokesman, the ultimate aim of the department is to "allow women athletes to firmly establish their own program and develop their own identity and skills, with the goal of eventually integrating with a single department of intercollegiate athletics." In essence, the program allows women to compete "up" on men's teams if they are capable, but prohibits men from competing "down" to the women's teams.

Another scheme that protects women yet allows them to compete "up" is operating successfully in Minnesota. The program developed by the Minnesota State High School League is based on "substantive equality." Girls may try out for any team the boys have (including contact sports) if they do not have a team of their own in that sport. If the school has such teams, but they are not "substantively equal," girls may try out for either team. But if the two programs are judged equal, girls must remain with their own teams. The boys in Minnesota do not have these options; girls' programs are closed to boys.

"The idea behind this program," says Dorothy McIntyre, head of girls' athletics in the Minnesota League, "is to develop as equal a program as possible as soon as possible." The rules allow girls to advance upward until their own programs are good enough for them. McIntyre believes girls have chosen boys' teams in the past because they were "better than nothing," but separate-but-equal is the goal. "Having good girl players fill in the weak spots on the boys' teams is not our idea of equality."

It will probably take several decades before the girls' teams play as well, as often, and with as much financial backing as the boys. Until that time there should be a place for the athletes who can't develop further in the women's programs.

"In sports," says Celeste Ulrich, professor of physical education at the University of North Carolina, "the only criterion is the matching of equal people."

Separate-but-equal will only be equal if it means that the best competition is available to everyone, regardless of sex.

The End

96

Senator PELL. Right. I would agree on that. My own view is that e country would be far better off engaging more in participation and ss in spectator sports. I think the increasing turn to spectator sports not helping the health of the country. I would much rather see those me people playing touch football, or tennis, or jogging, and things that sort. That is really a personal view.

But I thank you for being with us today, and hopefully out of these days of hearings we will emerge with some kind of outline of a regution which everybody will feel a little more comfortable with, and body will feel completely satisfied.

The committee will recess until Thursday at 10 o'clock. Thank you.

[Whereupon, at 12:30 p.m., the committee was recessed to convene 10 a.m., Thursday, September 18, 1975.]

PROHIBITION OF SEX DISCRIMINATION, 1975

THURSDAY, SEPTEMBER 18, 1975

U.S. SENATE,
SUBCOMMITTEE ON EDUCATION OF THE
COMMITTEE ON LABOR AND PUBLIC WELFARE,
Washington, D.C.

The subcommittee met, pursuant to recess, at 10 a.m., in room 3302, irksen Senate Office Building, Senator Claiborne Pell, subcommit- e chairman, presiding.

Present: Senators Pell, Stafford, and Schweiker.

Senator PELL. The hearing of the subcommittee will come to order. Today we continue our discussion of S. 2106.

On Tuesday we heard interesting testimony on the need for clear-cut efinitions of the terms used in the bill. We also developed what might e a washable compromise in cases where a revenue-producing sport rns more than is necessary to operate it.

Knowing that our witnesses today are aware of last Tuesday's testi- ony, I hope they will discuss not only the Tower bill itself, but also ive consideration to the discussion revolving around the revenue- roducing sports which are creating the profit, and also the revenue- roducing sports which just break even or which lose money.

Our first witness today will be a panel representing the Association f Intercollegiate Athletics for Women.

Ms. Burke, president-elect of the AIAW, University of Iowa; Donna opiano, women's athletic director, University of Texas at Austin; Ir. Harry Fritz, dean of the School of Health Education and director f athletics, State University of New York at Buffalo, also president f the National Association for Sport and Physical Education; and Ir. Joseph B. Oxendine, dean of the College of Health, Physical Edu- ation, Recreation and Dance, Temple University.

Please proceed.

TATEMENT OF PEGGY BURKE, PRESIDENT-ELECT OF AIAW, UNIVERSITY OF IOWA; DONNA A. LOPIANO, WOMEN'S ATHLETIC DIRECTOR, UNIVERSITY OF TEXAS AT AUSTIN; HARRY G. FRITZ, DEAN, SCHOOL OF HEALTH EDUCATION AND DIRECTOR OF ATHLETICS, STATE UNIVERSITY OF NEW YORK AT BUFFALO, ALSO PRESIDENT OF THE NATIONAL ASSOCIATION FOR SPORT AND PHYSICAL EDUCATION; JOSEPH B. OXENDINE, DEAN OF THE COLLEGE OF HEALTH, PHYSICAL EDUCATION, RECREATION, AND DANCE, TEMPLE UNIVERSITY, A PANEL REPRESENTING THE ASSOCIATION OF INTERCOLLEGIATE ATHLETICS FOR WOMEN

Ms. BURKE. Mr. Chairman and members of the committee, my name Peggy Burke, and I teach at the University of Iowa. I am appearing today at the request of the Association for Intercollegiate Athletics for Women, of which I am president-elect.

Historically speaking, AIAW is only 1 year older than title IX, but growth and development have been the hallmark of the 4 years of our existence. We believe athletic programs should be educationally oriented and the focus of such programs should be on the individual student athlete.

Our membership last year included 659 institutions of higher education, both 2-year and 4-year institutions. This year's figures are, of of course, not in, but we anticipate a substantial increase. Interest in women's intercollegiate athletics is here to stay.

My colleagues today are in the order in which they will address you: Dr. Harry Fritz, dean of the school of Health Education and director of athletics at State University of New York at Buffalo. In addition, Dr. Fritz is president of the National Association for Sport and Physical Education.

Dr. Joseph B. Oxendine, dean of the College of Health, Physical Education, Recreation and Dance at Temple University, Philadelphia, Pa.

Dr. Donna A. Lopiano, director of Intercollegiate Athletics for Women, the University of Texas at Austin.

Also accompanying us today are Kay Hutchcraft, AIAW executive secretary, and Margot Polivy of the law firm of Renouf, McKenna, and Polivy, AIAW's legal counsel.

The groups that have preceded me have commented on their pleasure at being here. I personally approach this situation with less than unqualified enthusiasm. It is a pleasure to represent AIAW, and it is a privilege to appear before this group, and we thank you for the invitation, but I derive no pleasure from the fact that attempts continue to be made to amend a law designed to end discrimination against women.

I therefore vigorously oppose S. 2106. My opposition is for the following reasons:

One, despite years of opportunity, proponents of the Tower bill have not provided one shred of documentation to show that the revenue-producing sports would be injured by title IX.

Two, the amendment creates a situation where it is possible for women to continue to be denied equal opportunity and, at the same time, be required to help pay for their brothers having those opportunities.

Three, it invites destruction of the so-called "minor sports" programs of the men.

Four, it poses a great threat to the future of the very sports it seeks to protect.

Five, the language of the amendment is imprecise and the possible implementation problems are horrendous.

I would like to briefly elaborate upon these points. A more-indepth discussion of some of the points will be undertaken by my colleagues.

The chief section of S. 2106 states:

> (6) This section shall not apply to an intercollegiate athletic activity insofar as such activity provides to the institution gross receipts or donations required by such institution to support that activity.

The imprecision of the language, when removed from the supporting rationale, leaves one to wonder whether an exemption is being sought for an athletic activity or for receipts and donations.

If one assumes the exemption is sought for receipts and donations, then it becomes unclear whether the term "gross" was used when "net" was intended. Even if the language problems were resolved, one is left with the question, who defines receipts and donations and by what criteria?

One must also question who would determine what is required to support that activity, on what bases such determinations would be made, and who would monitor these proceedings.

If this were attempted through Federal regulations, it would likely result in the establishment of a uniform system that would be imposed on very divergent institutional structures. If such a determination were attempted at the institutional level, this would not only result in a lack of a common base from institution to institution but could also lead to intolerable intrainstitution pressure to fund certain groups.

Far more important than the procedural questions surrounding the amendment are the substantive issues.

Since November 1973, when a representative of the National Collegiate Athletic Association attended the first AIAW Delegate Assembly, and learned that title IX covered athletics, I have read and heard countless statements as to how offering women an equal opportunity in athletics was going to destroy men's athletic programs.

I gathered from such comments that women were going to perform this dastardly deed by leveling some death blow at the revenue producing sports.

During this time frame, I have seen no documentation as to exactly how this was supposed to occur, and so I came to this hearing thinking that at last I would hear facts and figures as to how men's athletics were being affected. I did indeed hear the charges reaffirmed.

In statement after statement we were told that if the Tower amendment were not adopted, the income generating base of the revenue producing sports would be destroyed and all of men's athletics would likely cease to exist and, alas, the women's programs would self-destruct in the process.

I waited for the documentation, and I am still waiting.

It was implied that if educational institutions spent money on women's athletics, fewer fans would come out to see the men play and/or donate funds to such endeavors.

Would the spending of money on women's athletics result in any fewer skilled male athletes coming out of our secondary schools?

Assuming the two factors are independent and assuming the talent pool continues to exist, what is the correlation between spending money on women's athletics and diminished fan and/or donor support of men's athletics?

Are women asking for such vast sums that men are no longer being allowed sufficient support to attend college? It is true that some women's athletic budgets have doubled or tripled in recent years, but I know of no case where they equal 5 percent of the total institutional budget for athletics, and I believe 2 percent has been quoted as a national average. This hardly sounds as though it would be financially fatal to men's programs.

No, I did not hear documentation of the damage which S. 2106 would seek to correct. What I did hear, however, was most interesting.

All who spoke of title IX indicated that they supported its basic concept.

Most spoke with pride of their women's programs.

Most spoke of excess funds from their revenue producing sports that were being used to support the entire men's and women's programs.

None presented male athletes who had been economically or programmatically injured, or fans or donors who were unhappy with what their dollars had bought. If this happy picture is true, if all believe in the underlying concept of title IX, if all already have strong women's programs, if all have sports that are generating excess income, and if no male athlete, fan or donor is claiming injury when, then, is there a need for the Tower amendment?

If the NCAA can document the need for the Tower amendment, why have they not done so?

Could it be that a recitation of budgetary facts from the higher education institutions of this country would tend rather to document the need for an intact title IX?

Those of us who stayed to hear the student testimony on Tuesday know that that is exactly what such figures show.

The need for S. 2106 has not been established but, if passed, what might be its results?

Such an amendment or anything resembling it would allow a disproportionate pouring of funds back into the sports from which they were derived. It would be nice to believe that a sense of fair play would prevent this from happening, but I think we must face the realities of the system in which men's athletics so often as forced to function. They must succeed if they are to survive professionally.

Given that situation, will they not likely tend to stockpile just in case next year is not as successful as this one?

Are these malicious acts committed by evil men? Of course not. These would be the normal instincts of desperate people who fear their survival is threatened—and survival is the strongest of our instincts.

The system that forces an educational program to generate revenue needs to be examined. Unfortunately, S. 2106 tends only to strengthen that system. If my theory of stockpiling is correct, this amendment could allow:

1. Continuation of the very discriminatory underfunding of women's athletic programs that title IX seeks to end.

2. Continuation of the axing of the men's minor sports that was evidenced at the NCAA August 1975 economy meeting.

3. Alienation of the men's revenue sports personnel from both those of the women's programs and those of the men's nonrevenue programs at a time when they may need to be united in order to justify the existence of athletic programs in financially troubled academic communities.

The thought of attempting to implement the amendment is mind boggling. Is it not paradoxical that those who spoke in support of the Tower amendment were concerned with governmental interference in campus functions? Have they really stopped to consider the accountability that would be required by this amendment?

Certainly there would have to be a definition of "receipts."

Are student fees "receipts"? If so, does the amendment not suggest that those collected from women students should be returned to women's programs?

Are parking fees charged at athletic events "receipts"? If so, may there not be challenges lodged about using university property to produce revenue which is distributed in a sex-biased manner?

Obviously, gate receipts are intended to be exempted. Might it not be argued that the cost of the facilities necessary for such receipt production should not be permitted to be borne by student fees or tax dollars if the benefits of those receipts can be reserved for one sex?

And what about donations? Should tax exemptions be allowed for donations that are to be distributed on the basis of sex? Should universities be allowed to pay from general funds the salaries of employees whose chief or only function is to raise moneys for men's athletics?

What funds would be required to support that activity?

Is first-class air fare a requirement?

Is a special training table a requirement?

Are motel accommodations the night before a home game a requirement?

Might it be deemed that all available athletic scholarships are "required" in the men's revenue sports, thereby cutting out both female and other male competitors?

Financial aid to athletes, through tuition, covers only approximately one-third of the total educational cost of an in-State student in our public institutions. The remainder is paid out of the general university fund.

If scholarship opportunities exist for an exclusive cadre of men and are unavailable to women, then the female students and less privileged males are not only deprived of an equal opportunity, but they and their parents, through tax and tuition dollars help cover the cost of the select group. Such has been the lot of women in the higher educational institutions of this country. Through their student fees, through their tuition dollar, through their or their parents' tax dollars, they have helped to pay for the athletic opportunities in so-called revenue producing programs of their male counterparts while being denied those opportunities themselves.

Title IX is designed to end that discrimination. It does not require identical spending by sex. It merely requires equal opportunity. Is that too much to ask in the "Land of Opportunity" 200 years after its founding?

Title IX is a good law. It has already been weakened by the regulations. I do hope this group will not allow the athletic section to be disemboweled by this or similar amendments.

As a matter of fact, it would be nice if the week that began with our country's first saint would end with our last title IX amendment.

At this point, I am hard pressed to know which would represent the greater miracle.

Thank you.

Senator Pell. Thank you.

Dr. Fritz.

Mr. **Fritz**. Good morning, Mr. Chairman, and staff.

I am Harry Fritz from the State University of New York at Buffalo. My position there is dean of the school of health education and director of intercollegiate athletics.

Enrollment at Buffalo is approximately 25,000 overall, including approximately 13,000 full-time undergraduates. Included in the program which I administer are 11 intercollegiate sports for men, 7 for women, plus 14 "Club Sports," and a variety of recreation and intramural activities. The men's program functions within division I of NCAA and the women's program is a member of AIAW.

I also present myself to the committee this morning as the current president of the National Association for Sport & Physical Education. NASPE is an educational association of approximately 27,500 professional members, including college and high school coaches, sport administrators, athletic trainers, physical educators and researchers. Like AIAW, the National Association for Sport & Physical Education is affiliated with the American Alliance for Health, Physical Education & Recreation.

A comparatively few institutions have been highly visible in attempting to affect legislation dealing with equal opportunities in sports.

During the title IX hearings and from the attendant publicity, many people received the impression that only a relatively few colleges and universities—those with major football or basketball programs with a significant revenue generation—are deeply concerned about title IX.

Actually, there are over 1,100 4-year colleges and universities with intercollegiate varsity-type athletic programs. Most of these schools see title IX as a long overdue impetus for upgrading their programs for women, not as a threat but as an opportunity. It is reported that over 750 of these institutions belong to NCAA in one of its three divisions.

Over 550 colleges belong to the National Association of Intercollegiate Athletics, NAIA.

Approximately 140 institutions hold membership in both BAIA and NCAA. There are, additionally, approximately 900 community colleges with sports programs affected by title IX.

It is clear that the Tower bill would, at best, benefit only a very small segment of the college community.

Mr. Chairman, I do not know how many of these colleges show a net profit for their total intercollegiate sports program. The 1974 Hanford Report on Intercollegiate Athletics—to the American Council on Education—estimates the number at approximately 30. The Hanford Report estimate is somewhat similar to some NCAA estimates in this regard.

Using a true analysis brings into question whether even 30 or so programs can accurately declare a profit. For example, you have before you the "Summary of Operating Budgets for Intercollegiate Athletics for South Dakota State University for 1975–76," presented in Tuesday's NCAA statement to this committee.

The term "operating expenses," as Mr. Marshall accurately pointed out, does not include salaries, overhead, maintenance, and administration expenses in the $103,992 figure shown. It is very difficult, if not impossible, to accurately "cost out" a particular sport or collegiate program. Salaries of faculty who coach are often not computed in determining costs. These faculty are most generally compensated by load adjustment—reduced teaching hours.

I submit to you this is a very basic pattern in intercollegiate athletic operations.

Sports-oriented news services, foundation, and alumni activity costs are often attributed to those agencies rather than to the athletic department. For economy and for administrative efficiency, there has been a move in recent years toward combined and coordinated departments of physical education and athletics. While maximizing facilities, staff and budget utilization and flexibility, it makes accounting for costs of shared facilities, secretaries, and offices very difficult.

Assigning utilities and maintenance costs on a programmatic basis would result in some interesting arithmetic and would, at best, be arbitrary, Mr. Chairman.

When one considers the preferred tax status of college operated programs, and donations to these programs, a very complex picture unfolds. Donations for athletic grants-in-aid and other educational purposes are tax deductible. Public colleges are able to offer State-guaranteed bonds to construct facilities. Sometimes, bonds are secured by student fees and sometimes by earnings, and they are usually at a very favorable rate. Public lands are used and educational institutional property is usually exempt from property taxes.

The real test as to whether an athletic program is showing a profit or loss would be provided by asking "What would the same program cost if it did not operate on campus and as a part of an education enterprise?"

Whether the Tower bill is intended to apply to gross receipts, or net receipts—and I am not really sure on the basis of some of the testimony—for a particular sport we would be faced with a serious dilemma if S. 2106 were passed. Simply stated, S. 2106, as written, is not enforcible. It has the potential for abuses. It invites abuses.

If gross receipts are the measuring stick, you are encouraging expansion of expense. You would be helping to create a program out of proportion to the rest of the university. There would be a natural tendency to inflate costs of a revenue producing sport and to avoid a net revenue at all costs. But, rather than profit, the vastly more common reality is that the great majority of programs operate now with receipts less than expenses.

If net receipts are used in determining exemptions under the Tower bill, it would be necessary to develop a unified accounting system for every college and university in the country and for the Federal Government to enforce uniformity. The Federal Government would necessarily oversee virtually every aspect of the intercollegiate athletic operation. This instrusion would represent a cure worse than the disease.

Chancellor Tate accurately pointed out on Tuesday the great diversity in the funding and administrative patterns in intercollegiate athletics. In terms of actual program operational costs—team travel, insurance, officials, guarantees, uniforms, et cetera—the student fee dollar is the main source of support.

In the State of New York, all of the SUNY and CUNY institutions basically operate their athletic programs with student fees. Having coached some 14 years in Midwestern States and having been an officer in our national association, I am aware that this is a basic and general practice.

Capital costs, maintenance, utilities, and salaries are provided in the general institutional budget. At my own institution, undergraduate student fees account for $221,000 of an approximately $260,000 budget. Gate receipts, guarantees, and institutionally provided funds for rentals are other sources of funds. The $260,000 budget does not include salaries, maintenance, utilities, or capital expenses.

The Tower bill, for the first time, implies that the goal of title IX is financial equality. We believe program criteria should be the basis for judging compliance with title IX and this is the standard that HEW has incorporated in its regulations.

Competitive and practice opportunities, quality of instruction, facilities, and safety and quality of medical and other services are the kinds of things that really count.

College sport administrators are already subject to interpreting and implementing a very thick rules book that covers such items as the number of preenrollment visits to the campus, nature and type of awards, size of coaching staff and travel squads, number of allowance contests, academic status of participants, and many, many other aspects of program administration through their athletic governing organizations.

Given the competitive, emotional nature of athletics, we can see no reason for opening up another Pandora's box with another cumbersome enforcement situation. We do not see the goal of title IX, expanded sports opportunities for women, being served by the adoption of the Tower bill. Indeed, we cannot even conceive of the Tower bill truly serving the interests of the revenue producing sports it takes to exempt.

I conferred on Sunday with Dr. Robert Livingston, president of the NAIA, the national regulatory body for 565 colleges of moderate enrollment. He indicated that he can see no reason for the exemption of certain sports or revenues from the provisions of title IX. The basic tenet of his organization is that athletics are an integral part of the total educational process. He notes that, generally, NAIA member schools' programs are not dependent on gate receipts for continued operation and that gate receipts are often negligible in the small college operation.

In those colleges, athletics is seen as a part of the institution's program of general education.

It simply would not be good business for an athletic program for men and women to do other than be highly supportive of a particular sport that generates substantial revenue that ultimately supports the total program.

Men and women sport administrators are highly trained professionals, usually with advanced degrees. They are very sophisticated of budgeting sources. No one is going to kill the goose that lays the golden egg.

If the ice hockey team for men is generating funds that help support the women's field hockey team, it would seem to follow that the women's field hockey interests would be very positive toward the men's ice hockey program. The notion that the women's program or the men's nonrevenue sports will oppose or buck a more glamorous revenue sport, out of jealousy or vindictiveness, is a myth and is not supported by fact. In fact, I would parenthetically add at this point that very cordial relations between men's coaches, women's coaches, athletic administrator counterparts have characterized the last several years.

The women's requests have been reasonable. The men have been free with offering help. In fact, we are encouraging women to avoid some of our mistakes. I think the relations on a person-to-person basis have been magnificent.

Essentially, colleges and universities are in the education business, rather than in the entertainment field. Any colleges whose sports program does not meet that test probably should dump any program that is not in the education business.

It is my observation that most coaches and administrators believe in the educational and developmental values of a well-conducted program. The benefit of values are those that accrues to participate. Coaches see the pool and the court as classrooms. A real teaching and learning situation prevails.

There are compelling reasons that an athletic program should receive, at least, some general university educational funding, as well as student fee funding, and should not be entirely dependent upon receipts and donations. A sports program should be a strong arm of the institution's general education program.

Additionally, those colleges and universities offering professional preparation for coaches, athletic trainers, and others who will work in sport and recreational settings, have a valuable experiential and laboratory opportunity for their professional students. Athletics are conducted by the school/college community and, as conducted by those prepared in these institutions, can be at the cutting edge in meeting the great societal and health needs of all time.

At the very least, the Tower bill would provide tacit support for the notion that college athletics are commercial ventures rather than educational programs.

All of this is not to say that the game should not be aggressively merchandised and attractively presented. But not at the expense of education values and equal opportunities for all students, male or female.

All programs, whether they be drama, music, mathematics, physics, should help sustain themselves through public performances, grant solicitation, contracts, and so forth. There is no inference in this testimony that the college should not charge admission or vigorously solicit TV commitments or program ads. It is unfair and inaccurate, Mr. Chairman, to characterize those organizations and individuals who have supported title IX from the outset and who speak of the educational potential of school and college sports as being opposed to vigorously conducted, highly competitive sports programs. One does not necessarily preclude the other.

Even though the AIAW launched its program for women before the advent of title IX, and many colleges had made significant strides in providing programs for girls and women before enactment of that legislation, it is obvious that title IX has had an impact. It can be seen and felt.

Many of the advances made in the women's athletic programs have been made in anticipation of strong title IX regulations.

Historically the women have been fair and their requests modest considering the years of waiting and benign neglect. But these programs are growing and that growth must be encouraged and stimulated if our female students are to be given the benefits which are derived through sports participation. These benefits help legitimatize the athletic program in the overall educational process.

The Tower bill would represent a drawing back from the basic commitment to equal opportunities for women and a concomitant withdrawal of vigorous support by colleges and universities could realistically be anticipated.

We hope that the Congress will not retreat from the commitment it has offered the girls and women under title IX. We ask that the fundamental goals of title IX not be altered by an amendment such as S. 2106, that would benefit certain elements of programs of a relatively few institutions at the expense of the vast majority of students, male and female.

Mr. Chairman, I urge the committee to reject S. 2106 and permit the title IX regulations to function without inhibiting amendments. If the future demonstrates that title IX leads to inequitable situations, there is ample time to develop sound solutions based on actual experience.

Thank you, Mr. Chairman.

Senator PELL. I would invite the attention of the witnesses to the fact that their full statements will be inserted into the record so they can abbreviate them now.

Mr. OXENDINE. I am Joe Oxendine from Temple University in Philadelphia.

Incidentally, I do not have a prepared statement available. I will make it brief, though I do have some notes.

I am dean of the College of Health, Physical Education, Recreation and Dance at Temple University.

Temple University's men's athletic program is a member of the NCAA Division I, and the women's athletic program is a member of the AIAW. It so happens that the women's program comes under the domain of my college. The men's athletic program does not.

Therefore, I am not expressing a position of the university particularly with relation to the men's athletic program. I would point out briefly that I speak with some experience in the area of athletics, having participated for a dozen or 15 years in public school, college, and professional sports, and for the past 20 years have been a coach, high school teacher, and university teacher and administrator involving physical education and sports programs.

My colleagues have talked about the inequities and the difficulties related to administering legislation which includes the Tower bill.

I would like to talk about a couple of philosophical issues and restrict my comments to those areas.

First, the Tower amendment attacks the basic essence, I think, of equal opportunity on the basis of asking or seeking exclusion on the basis of financial convenience.

Second, the bill, if enacted, would tend to promote a feeling of isolation on the part of certain athletes and certain coaches and universities. I will expand on each of these areas a bit.

Civil rights legislation and other equal opportunity legislation would have made very little progress if it had been too sensitive to or guided by arguments about financial concerns or difficulties it may cause one group or one institution or one part of the country.

Fortunately, these arguments have not been persuasive or effective in restricting or inhibiting civil rights progress.

One of the primary reasons, I think, compelling reasons for the coming of title IX had to do with longstanding and traditional discrimination against women in school and university sports. When I became the administrator at Temple University, in a program which involved women's athletics, I became, for the first time, aware of the budget and realized that that budget was developed on the assumption that women indeed know how to sew so they could make their own tunics, they knew how to wash and iron and do things like that, and men do not. What is more, they are good at soliciting moneys from cake sales and apples and other sorts of things that are inappropriate or which men are unable to do.

The sports which the Tower bill seeks to exempt from title IX are those particular ones which have the greatest opportunity for aiding in righting the wrongs which have taken place over the years. To exclude these programs and these revenues from title IX is to throw the entire burden on those programs which are least able to support additional burden—the nonrevenue-producing sports. If we remove, in essence, football and basketball from application of title IX, then we have all the women's programs and most of the men's programs left to split the meager remains. There would be little progress, I am convinced, if that were the case.

S. 2106, in essence, says equal opportunity for women is good, if it is financially advantageous. While there is no evidence that compliance with title IX will in any way impair the financial base of the men's athletic program, if there was such evidence, it would still not support the exemption.

The allegation of economic burden has accompanied every civil rights law, fortunately, to little avail. We have testimony which indicates that this or that institution is unique and, therefore, needs some special consideration, or that this sport is unique or that there is no problem at that institution, or that it would change the character of the institution, or that it would limit our success in the Olympic games or that it is for the best interest of those people we are excluding. This line of reasoning again has not been effective in restricting civil rights legislation and should not be any more effective in this case.

Most of the persons giving testimony in favor of S. 2106 indicated that their institutions are presently in compliance with title IX and had done great things for the women's programs and there were dramatic increases in moneys, in number of participants, number of sports and so forth. So things are on the way.

They likewise reported satisfaction and acceptance of title IX and none of them suggested that this would really eliminate their program or was eliminating a program or currently was very painful to them. There were suggestions that this may occur sometime in the future, but I think that sort of idle threat or comment should not be our guiding factor.

I am convinced that title IX will not destroy college athletics and will be able to advance both men and women if we go with it as it is presently written. To exclude certain people, certain programs, football and basketball, or other powerful groups, communicates the attitude that these programs or these people are above the law. And I think that is a bad message to communicate.

As my colleague has indicated, no responsible individual would say that sports in most colleges make money. It is true that a few have claimed that they do make money, and although I have some question about the bookkeeping mechanisms, most of them do not, and that is readily admitted.

What we have, I think, is a powerful few individuals and institutions who are attempting to set the precedent for all the others. It is a crack in the concept of equal opportunity through which all sorts of inequities, I believe, would follow.

My second major concern has to do with the probability of perpetuating, even magnifying an attitude of isolationism and elitism for a handful of students and coaches, leaving the rest of the students in a disadvantageous position.

Football players and coaches, as well as basketball players and coaches, will recognize, should S. 2106 be adopted, that they have special exemption from the law. We have too frequently isolated athletes. We frequently put them in special dormitories, special cafeterias, special classes with special teachers, with special admission standards, special behavior requirements, and now if we add special exemption from the requirements of equal opportunity, I think that is more potentially dangerous than all of the other special privileges we give to them.

I am a strong supporter of athletics. I believe that participation in athletics can do more toward the development of young men or women in physical, social, and emotional ways than many other activities of the university. I am convinced that in my own case, my physical, social, and emotional development was greatly enhanced as a result of this participation.

But as an educator, I am concerned that this education be sound. I have always been concerned with attempting to develop a proper balance of humility, of concern for one's fellow citizens, a feeling of compassion, an attitude of fair play. If we propagate a system of exclusion, separateness, elitism that makes it very difficult to adhere to sound educational practices.

The universities are really educational institutions. They are not profitmaking organizations, and if they were, they do it more effectively. They are not really very good at making money. Universities could modify their requirements by not requiring athletes to go to class or eliminating certain safety and health standards, if they wanted to really make a lot of money. But, basically, they are educational institutions and educational value is the only basis on which any program can be justified in our institutions.

When some activity violates a basic concept of education or is not contributing to the wholesome education of the students, then I think it has no place in an educational institution.

I think S. 2106 would bring certain messages into the education of the students that would be damaging to our attempts to offer sound education.

When the university says or feels it does not have to comply with the law because of financial convenience, or when students are separated, isolated from the remainder of the student body (and we have frequently a difficult time with prima donna concept among athletes), whenever these attitudes come into the educational domain, I think we have lost our way in educational institutions. Therefore, I strongly urge defeat of S. 2106.

Thank you.

Ms. LOPIANO. Before I tell you who I am, I am going to assure you I am not about to read my 22 pages of testimony.

Senator PELL. Thank you.

May I add we have received almost 50 letters in support of your position from your own campus.

Ms. LOPIANO. Thank you. I am glad to hear that. I did not know that.

Senator PELL. Your statement will be made a part of the record, you may proceed.

Ms. LOPIANO. I am Donna A. Lopiano, current director of intercollegiate athletics for women at the University of Texas at Austin. Please note that my views do not represent an official position of the University of Texas at Austin.

And off the record.

[Discussion off the record.]

Ms. LOPIANO. Seriously, though, I would like to address you as an educator, an administrator of intercollegiate athletics, and an expert in athletic administration. I have coached in and/or administered athletic programs in both public and private universities with so-called big-time revenue producing football programs and in a large public university with no revenue producing athletic teams, but a program which includes 30—and I repeat—30 intercollegiate athletic teams—14 for men, 10 for women, and 6 cosexual.

My primary Ph. D. work was in the area of administrative theory and behavior with a specific focus in athletic administration.

I believe that the underlying motivation of the Tower amendment is commendable in that the distinguished Senator from Texas has shown a genuine concern for the continued existence and financial support of intercollegiate athletics in American higher education. I cannot take issue with such a worthwhile program.

However, as an educator and athletic program manager, I feel I must object to the many erroneous assumptions which have been made to date by the proponents of the Tower amendment.

In general, S. 2106 assumes that title IX will somehow undermine revenue-producing sport and, therefore, the financial basis of intercollegiate athletics. In attempting to protect sport revenues, the S. 2106 proponents have assumed that aggregate expenditures or per capita expenditures is the standard to be used when assessing equal opportunity.

Section 86.41(c) of the title IX regulations specifically provides performance standards for determining whether equal opportunity exists and emphasizes that equal aggregate expenditures are not included in the criteria. Ten specific criteria to be considered are cited in this section:

No. 1. The nature and extent of the sports programs to be offered—including levels of competition, such as varsity, club, et cetera.

No. 2. The provisions of equipment and supplies.

No. 3. The scheduling of games and practice times.

No. 4. The provision of travel and per diem allowances.

No. 5. The nature and extent of the opportunity to receive coaching and academic tutoring.

No. 6. The assignment and compensation of coaches and tutors.

No. 7. The provision of locker rooms, practice, and competitive facilities.

No. 8. The provision of medical and training facilities and services.

No. 9. The provision of housing and dining facilities and services.

No. 10. The nature and extent of publicity.

No mention is made of equal per capita or aggregate expenditures. For instance, no suggestion is made that if protective equipment and uniforms for football cost $500 per player, we should then spend $500 providing a uniform for a female field hockey player.

However, it should be pointed out that serious discrepancies in the treatment of men and women athletes and coaches do exist in intercollegiate athletics today. These instances of blatant discrimination would be condoned and perpetuated by the Tower bill.

For instance, a look at the current budgets of two major football powers in the Nation leads one to question whether the bill is seeking to exempt intercollegiate athletic department employees from the benefit protections of title IX. For example, at the University of Nebraska, $42,522 is spent on coaching and support personnel in all of women's athletics, while $301,981 is spent on football program salaries alone.

At the University of Texas, although an equal number of sports are offered—seven for men and seven for women—a comparative analysis of coaching salaries reveals the existence of some obvious problems in this area.

I refer you to a chart, appendix A, which I think you will find very interesting, fifth page from the back.

For coaches of women's teams $14,911 is spent while $300,980 is spent for coaches of men's teams.

Sections 86.54 (a) and (b) of title IX regulations notes that a recipient may not discriminate on the basis of policies which either make "distinctions in rates of pay or other compensation" or "result[s] in the payment of wages to employees of one sex at a rate less than that paid its employees of the opposite sex based on equal work on the jobs, the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions."

S. 2106 may, in fact, exempt employment in revenue producing sports from these equal employment provisions and thus bring the amended title IX into conflict with the Equal Pay Act and title VII of the 1964 Civil Rights Act.

Thus, in the case of University of Texas alone, continued blatant salary discrimination on the basis of sex may be permissible to the tune of $500,000 in a single revenue producing sport.

Some $300,000 to $350,000 in University of Texas' administrative and support personnel salaries—appendix B—could be justified as "required" to support football. This figure would be in addition to the $200,000 expended for football coaching salaries.

While you are looking at these charts, turn to appendixes C and D. Let us look at another performance standard which would be affected.

Section 86.41(c) specifically cites the performance standards of "nature and extent of publicity" and "the provision of travel and per diem allowances" which would be considered. A comparison of expenditures in these areas shows a need for closer examination of the treatment of both sexes.

For example, at University of Texas last year, $2,200 was spent on publicity for women versus $30,000 for men; $16,000 was spent on travel for women versus $155,000 for men. Note that I do not suggest that these aggregate expenditures should be equal.

What would be important in an examination of these expenditures would be whether equal per diem allowances per trip, per athlete, were comparable or whether the same kinds of publicity services were available to teams despite the fact that participants were of different sexes.

Take a look at appendix E. Title IX regulations are also specific as to performance standard measurement in the area of scholarship and financial assistance. Section 86.37(c) provides that athletic scholarships and grants-in-aid must be provided in proportion to the number of students of each sex participating in the intercollegiate athletic program. Appendix E indicates a need for closer examination of University of Texas scholarship opportunities for women.

There are a total of 10 scholarship opportunities for women and 216 scholarship opportunities for men; 115 football scholarships of the 216 total number of men's scholarships would be exempt from title IX provisions under the Tower bill. Does this seem fair?

These examples are part of the valid performance standards presently incorporated in the title IX regulations. They are simply administered and objective criteria for identifying and correcting overt discrimination on the basis of sex. The Tower bill would not only prevent the regulations from being effective but would perpetuate the idea that it is necessary to discriminate in order to protect "profitmaking" big business sports.

Indeed, the rationale of the bill is that this discrimination would further the goal of equal opportunity for women. That is a little thought for you to think on.

S. 2106 also perpetuates the myth that most intercollegiate athletic programs are financed through gate receipts or revenues from one sport—usually football. This is simply not so. The funding of intercollegiate athletics has not followed a consistent pattern. In fact, contrary to popular thought, profitmaking intercollegiate athletic programs do not exist—or they exist only on the cover page of a budget sheet which fails to take into consideration the total cost of the athletic program to the university.

I wonder how many athletic program budgets show the amortized cost of the football stadium on the expense side of the ledger as a cost of the football program.

How many revenue sport budgets show all or part of the administrative support personnel costs directly listed as a football expense? Maybe you ought to ask those questions of Mr. Scanlon as he gives testimony after this group.

What portion of the $55,000 yearly UT telephone bill listed under administrative services is defined as a University of Texas football program expense?

Let us take a closer look at University of Texas' $2.4 million men's athletic program which is often considered a prime example of an athletic program supported through income derived from bigtime football. Believe it or not, a good case can be made that football at the

University of Texas at Austin under one of the finest football coaches in the country is not even profitmaking.

When the cost of administrative and support personnel salaries, coaches' salaries, wages, operating expenses, scholarships, utilities, public relations, office supplies, telephone, salary benefits, insurance, maintenance, programs, cheerleaders, band, astroturf, and allocation for budget adjustment costs are taken into consideration, the $1.6 million in revenues solely produced by University of Texas football are also solely spent on that same football program which costs approximately $1.6 million to run.

If you go one step further in the assessment of costs to the university and consider the amortization of a 75,000-seat stadium, football is costing the University of Texas a great deal more money than the revenue it purportedly generates. We may then conclude that the total athletic program is not dependent on revenues derived from football gate receipts but is either dependent on $450,000 in income which is derived from an optional $20 student fee which provides free admission to all athletic events, or from the money the university provides for capital expenditures which, in turn, frees other moneys for operating expenses utilization.

What on the surface gives the illusion of profit or net income is nothing more than cash flow being used for operating expenses. It all depends on how you wish to interpret the data.

We know that we can use statistics to support almost any proposition. What I am suggesting is that the Tower amendment has found it convenient to maintain the myth that bigtime football and basketball are not only revenue producing, but profitmaking enterprises which support all other teams in the athletic program.

To accept this assumption as valid would be a grave error. We are simply not used to perceiving university support via capital expenditures as a cost factor in our programs.

The existence of the profitmaking myth in intercollegiate athletics is easy for me to understand as an administrator.

What is not easy for me to understand is another assumption underlying S. 2106, that the gate receipt-dominated, self-supporting nature of intercollegiate sport financing is so beneficial as to require its perpetuation by Federal law.

George H. Hanford, in a 1974 report to the American Council on Education on the need for and feasibility of a national study of intercollegiate athletics—funded by both Ford and Carnegie Foundation grants—pointed a severely accusing finger at this very system the Tower amendment purports to save:

> In short one finding of the inquiry is that the cries of anguish about the overemphasis on winning, and about the growing commercialism of big-time college sports of which that over-emphasis is a function, should be directed, not at the athletic establishment but at the legislators, trustees and administrators who today demand that intercollegiate athletic departments support themselves.

Please understand that I am not against spectator-oriented sports programs. It is my sincere belief that any quality program will produce spectator interest, whether that program be men's or women's sports.

It is the financial dependence on spectator interest that I object to. Why should we subject any one group of students or coaches to the pressures of having to bring spectators out to the stadium on a Saturday afternoon in order to make money, in addition to the pressures of the high stress environment inherent in competitive sport?

Are we saying that this is an educationally sound and valuable situation which must be perpetuated at all costs—even at the cost of legalizing discrimination on the basis of sex?

My colleagues have already presented testimony illustrating the ambiguity of language in S. 2106—especially with regard to the definitions of gross receipts and revenues required to support that activity.

One other ambiguity concerns me. S. 2106 has a superficial appeal—"sports that make their own money should have the right to keep it." However, such a concept does not fit into the philosophy of either an educational institution or a nonprofit enterprise.

When a psychology department sells more courses in terms of students' credit units than it needs to support itself, the university does not say, "Keep what is required to continue your program and we will spread the wealth you created among less popular departments."

All tuitions go into a general university fund and are first distributed according to the minimum basic priorities of the university. Each subject area—revenue producing academic departments and nonrevenue producing research programs, et cetera—receives the minimum amount necessary to meet basic needs. Only then is the excess beyond basic needs—profits, so to speak—available for distribution.

The Tower amendment is suggesting we reverse the process. We should heap all the food on one child's—the biggest, oldest and most popular breadwinner—plate and allow the other children to eat only if that child leaves something. You know how hungry football players can get.

Should not the minimum needs of all students be met before dessert or second helpings are offered to an elite few?

Speaking about dessert brings me to the concept of directed gifts or donations.

Universities have traditionally accepted directed gifts and donations. However, they have always reserved the rights to administer those awards and to refuse awards not in keeping with the University's mission.

My only objection to the protection of directed gifts or donations is when they are used as a dessert course at a time when the minimal support needs of other sports are not being met. To heap benefits upon one sport without heed to the needs of others seems antiethical to the principles of equal opportunity for both men and women and to the broad concept of education espoused by institutions of higher education in the United States.

In closing, I would like to address the charge that title IX is about to amputate the revenue producing legs of bigtime football and basketball programs. I would like to suggest that an underlying basic tenet of S. 2106 seems to be an attempt to legislate good management.

The Tower amendment assumes that managers of intercollegiate athletic programs trying to operate under title IX's mandate for equal opportunity will not have the flexibility or range of alternative necessary to maximize the income capabilities of revenue producing sports.

Besides taking issue with the insinuation of my lack of administrative ingenuity, I question whether this assumption is valid even under the most obviously discriminatory, unequal programs. For example, my situation at the University of Texas.

We have seven sports for women while the men also have a seven-sport program. My operating expenses budget for women's athletics is not even equal to the yearly telephone bill of the University of Texas men's athletic program.

The seven sport women's program operates on a total budget of $128,000 compared to $2,400,000 for men's athletics. I do not wish to imply that monetary expenditures are the standard for equal opportunity. However, such a great disparity between the budgets tells me I really should take a close look at the performance standards specified by the current "HEW Guidelines" and apply them to the University of Texas program. Armed with what I expect will be evidence of discrimination, will bringing my women's athletics program at the University of Texas in line with the guidelines undermine Darrell Royal's revenue producing football program?

Let us take a look at the alternatives which I believe can only lead to a logical "no" answer.

I am a manager and faced with three alternatives:

First. I can say, Darrell, I need a whole bunch of money and I need this sum to provide equal opportunity for women and see that money come from the budgets of nonrevenue producing sports.

The results may be a reduction in the number of sports opportunities for men and women and a concomitant antagonism between men's and women's athletics that I may never be able to overcome.

Second. I can ask men's athletics for whatever money it may take to provide equal opportunity for women and that money can be derived from an across-the-board cut of all men's sports. The result might be a possible reduction in program quality, but certainly a definite reduction in the standard of living of men's sports and, again, concomitant antagonism between men's and women's athletics; or

Third. I have begun a universitywide effort to establish a stable, nongate receipt dependent, new, multisource financial support program. This plan would result in: One, The re-establishment of the educational function of intercollegiate athletics; two, a stabilized athletics funding source; three, immediate program expansion to meet broad student needs—necessary to justify student mandatory support of the program—and fourth, a removal of the unbelievable pressures on Darrell Royal, the University of Texas football coach staff and the University of Texas student athletes to support the rest of the athletic program in addition to football's own $1.6 million existence tab.

Concomitantly, I would expect such results to produce respect—if not love—between men and women athletes and athletic administrators.

This third alternative is currently being explored at the University of Texas. It relieves the worst fears of men's athletics and is an administrative possibility which exists without the need for a protective device such as S. 2106. In fact, were S. 2106 enacted, I doubt whether such an alternative would even be considered.

S. 2106 is trying to protect revenue producing sports from the fear that they may not be able to produce revenues to the same extent that they have in the past. I am afraid it is about time we realized that revenue producing deficiencies in the future will be more due to changing external circumstances such as the encroachment of professional sports into the previously college dominated entertainment arena than to the requirement that institutions provide equitable women's sports programs.

Program administrators of high powered athletic programs have deluded themselves into believing that the illusion of self-sufficiency—engendered by years of popularity and economic wealths in higher education—is indeed a reality. They have already come close to committing economic suicide without having yet been required to do anything for women.

Every winning season, every new athletic program dollar, every human addition to the board of alumni supporters, has moved the athletic enterprise closer to big business and farther away from education legitimacy.

Knowing that this entertainment/business orientation holds low repute in academic circles, athletic administrators have established strong political ties with boards of trustees and regents and moved out from under normal university governance structures.

In many cases, athletic directors hold even more power than university presidents. The result is the current public relations, more correctly, continuing crisis in intercollegiate athletics.

Intercollegiate athletics can no longer fund itself and, to top it off, has cooked its own goose by spending years trying to become a profit-making corporation and alienating itself from its only source of logical salvation—normal university governance and funding.

Students and faculty alike are hesitant or totally unwilling to share limited student fee dollars and general university funds for a program which benefits few and has few educational benefits for any.

I recently attended the NCAA economy convention and was privileged to have the opportunity to converse with university presidents and their representatives.

Presidents are sitting back and waiting for title IX mandates and outside groups to initiate the changes they feel are necessary to bring athletics back into the fold.

Intercollegiate athletics is too politically potent an area for college presidents to deal with directly—in many States, bigtime football coaches could easily be elected governors.

It is interesting to note that presidents are allowing associations composed of university administrators and presidents themselves—like the American Council on Education and the National Association of State University and Land Grant Colleges—to speak forcefully in favor of title IX and against the Tower amendment, while they themselves individually remain silent and permit football coaches at their respective institutions to come here to speak against title IX and in favor of the Tower amendment.

Rather than presenting a burden to the athletic program, title IX may very well prove to be the salvation of intercollegiate athletics. Title IX may serve to break the vicious cycle of increasing costs and movement away from the concept of broad, worthwhile educational activities. The Tower bill would only serve to lock us into the present unhealthy and potentially self-destructive system of athletic professionalism on college campuses.

I am appreciative of the opportunity to present my views. Thank you.

Senator PELL. Thank you very much for your testimony.

I am afraid I will not have a chance to engage in the dialog I had hoped to because of time pressure. We still have more witnesses this morning.

There are a couple of questions I would like to get answers on. They deal with your definitions of the words "intercollegiate athletic activity," "gross receipts," "donations," and "required to support that activity."

These are terms that are used in the Tower amendment, and I am curious as to how you interpreted them. Would one of you care to reply to that?

Ms. **Burke**. Would it be appropriate for us to submit those in writing?

Senator **Pell**. I think it would be preferable because I would like you to think these out as much as you could.

The record will be kept open for 2 weeks.

Now, the next question I have is, since title IX regulations went into effect, in mid-July, have you seen any impact in your own universities as a result of them?

Mr. **Fritz**. I have seen considerable impact, Mr. Chairman.

There have been numerous conferences held on implementation. In fact, there is one in New York State now with all the institutions attending. We have seen increased numbers of teams, increased appropriations, and we have seen all kinds of evidence of universities seeking to determine whether or not they are in compliance.

I think the effects of title IX have been strong and have been favorable. We hope that they are in no way limited or inhibited by further legislation.

Ms. **Lopiano**. The University of Texas, there was never an intercollegiate athletic program for women until 2 years ago, which was when it was instituted with a $57,000 gift from the president of the university, and it continues today with 100 percent increase in the budget, leaving us with $128,000.

We field seven sports, which is an equal number of sports with the men's program, but in no way are we funded as other athletic programs on campus.

The men have nothing to do with the funding of our programs at this point.

Senator **Pell**. I have also heard it rumored you may be having a new woman president at the University of Texas and that might have an impact, too.

Ms. **Lopiano**. She was appointed officially last Friday. That is the first woman president at the University of Texas.

In addition, I might add, we also have the first woman student government president ever on the UT at Austin campus. She was elected this past year.

Senator **Pell**. We cannot give credit for that to the title IX regulations.

Ms. **Lopiano**. No, not quite.

Mr. **Oxendine**. I would concur with what has been said, not since July when the title IX regulations become effective, but the coming of title IX and discussion about legislation over the past 2 or 3 years has resulted in dramatic improvements in the women's athletic program at Temple University, and the budget has shown growth similarly.

Ms. **Burke**. I was going to comment. It is very hard to ferret out what has been the impact of title IX as it has been passed a number of years now, and what has been the impact of the title IX regulations.

I think that those colleges who waited to see what would be required to do under the title IX regulations, may also be waiting to see what they will not have to do if they get the amendments such as S. 2106. That is why I think it is very important that amendments to title IX be rejected as soon as possible, so those colleges that are dragging their feet will stop dragging their feet.

Senator PELL. Could the Tower amendment not lead to some of the same problems that you talk about with men's athletics?

For example, overprofessionalism. In women's tennis today, they are doing about as well as men, and probably will surpass them before they are through when it comes to box office appeal.

Could this not happen to women's athletics as time goes on, or do you think that is an academic problem?

Ms. LOPIANO. You are talking about professional sports which are outside the university at this point.

Tennis on very few campuses is self-sufficient in terms of revenue support. I doubt whether it will happen there.

The characterization of professionalism does not equal revenue producing sport.

The quality of the educational experience is what is in question, and the development of a very successful program, in terms of money, does not necessarily have to have that professional negative connotation. I think most of our programs are in that category. We are running some very successful, educationally sound, revenue producing programs.

Senator PELL. When you say educationally sound sport or revenue producing sport, what would you give as an example?

Why would a soccer team, for example, or a field hockey team be educationally beneficial?

Ms. LOPIANO. Well, you have asked the question of the century, how do you justify the inclusion of athletics as an educational program.

Primarily, the opportunity to participate in sports is one of the few opportunities we give our students—we give people in society today—to experience mastery of self.

We allow them, by focusing on the very well-defined objective, perhaps meaningless objective—putting a round ball through an empty loop—to focus on performance to the best of their ability. The mastery of self-experience does not exist in too many places. It is one of the primary reasons why people are so excited about sports.

Senator PELL. Why could that not be achieved on an intramural basis as well as on an intercollegiate plane?

Ms. LOPIANO. It is. But what we do in a program of intercollegiate athletics, is find the best people to compete against, the highest standard to compete against. It is not possible to find all those people within one university, therefore, we go outside of the university.

Senator PELL. Whether it is a round ball through a hoop or an oblong ball between a pair of sticks, it is the same.

Ms. LOPIANO. It is the same thought.

Mr. OXENDINE. The nature of the sport does not indicate whether or not it is a educationally sound situation. We can have abuses in tennis or in wrestling or in soccer. A football program can be a very sound and educationally defensible program, and many of them are. And a soccer program can contain all sorts of abuses, and that is the criteria, rather than what the activity is.

Senator PELL. I think there is a good deal of merit to the idea of club and intramural sports. I recall when I was at college, I was a member of the intercollegiate champions in rugby football, and I was treasurer. Our total budget for the year was $95. We were still able to be intercollegiate champions under it because everybody was pitching in and made it work.

I think many of our sports programs have gotten a little out of hand.

Mr. OXENDINE. A very attractive developing trend at most universities is that of club sports, and that is very desirable, and at a low budget, students have a chance to participate at their own level. But it does not eliminate the desirability of affording the excellent students who are at another level of skill, an opportunity to perform at the very highest level of their capability.

Senator PELL. I appreciate your thoughts. I did not mean to imply that you can run every sport on $95. When I was a student we used money just for the footballs and for beer, the rest of the work being carried by the undergraduates.

I do think though that the thing has gotten overly formalized and that more participatory sports would be better than more spectator sports. There is room for both.

The question of whether middle age America will be able to watch these games on Sundays and get the same stimulus is another question. They would be much better if they were participating, putting round balls through loops, over nets, or something of that sort.

Ms. BURKE. I think title IX has within it the possibility of what you are talking about, from the standpoint that, on many campuses, the program has been very limited as far as the men are concerned both in terms of the number of activities offered and the number of men participating. And if the women utilize their funds to provide a broad program of activities and encourage broad participation, we may lead the way to a new model for collegiate athletics. For instance, on our campus, we have a volley ball team and there is no men's volley ball team, but they would like to have a volley ball team, and I think their chances now are far better in getting that because of the expanding program women are introducing.

Senator PELL. Well, thank you very much indeed.

[The prepared statements of Ms. Lopiano, Ms. Burke, and Mr. Fritz follow:]

STATEMENT OF DONNA A. LOPIANO
BEFORE THE SUBCOMMITTEE ON HIGHER EDUCATION,
COMMITTEE ON LABOR AND PUBLIC WELFARE

S.2106
September 18, 1975

I am Donna A. Lopiano, current Director of Intercollegiate Athletics for Women at the University of Texas at Austin. Please note that my views do not represent an official position of the University of Texas at Austin. Rather, I am speaking as an educator, an administrator of intercollegiate athletics and an expert in athletic administration. I have coached in and/or administered athletic programs in both public and private universities with so-called big-time revenue producing football programs and in a large public university with no revenue producing athletic teams but a program which included 30 intercollegiate athletic teams -- 14 for men, 10 for women and 6 co-sexual. My primary Ph.D. work was in the area of administrative theory and behavior with a specific focus in athletic administration.

I believe that the underlying motivation of the Tower Amendment is commendable in that the distinguished Senator from Texas has shown a genuine concern for the continued existence and financial support of intercollegiate athletics in American higher education. I cannot take issue with such a worthwhile motivation. However, as an educator and athletic program manager, I feel I must object to the many erroneous assumptions which have been made to date by the proponents of the Tower Amendment.

In general, S.2106 assumes that Title IX will somehow undermine revenue producing sport and therefore the financial basis of intercollegiate athletics. In attempting to protect sport revenues, the S.2106 proponents have assumed that aggregate expenditures or per capita expenditures is the standard to be used when assessing equal opportunity. Section 86.41(c) of the Title IX regulations specifically provides performance standards for determining whether equal opportunity exists and emphasizes that equal aggregate expenditures are not included in the criteria. Ten specific criteria to be considered are cited in this section:

1. the nature and extent of the sports programs to be offered (including levels of competition, such as varsity, club, etc.);
2. the provision of equipment and supplies;
3. the scheduling of games and practice times;
4. the provision of travel and per diem allowances;
5. the nature and extent of the opportunity to receive coaching and academic tutoring;
6. the assignment and compensation of coaches and tutors;
7. the provision of locker rooms, practice and competitive facilities;

8. the provision of medical and training facilities and services;

9. the provison of housing and dining facilities and services; and

10. the nature and extent of publicity.

No mention is made of equal per capita or aggregate expenditures. For instance, no suggestion is made that if protective equipment and uniforms for football cost $500 per player, we should then spend $500 providing a uniform for a female field hockey player.

However, it should be pointed out that serious discrepancies in the treatment of men and women athletes and coaches do exist in intercollegiate athletics today. These instances of blatant discrimination would be condoned and perpetuated by the Tower bill.

For instance, a look at the current budgets of two major football powers in the nation leads one to question whether the bill is seeking to exempt intercollegiate athletic department employees from the benefit protections of Title IX. For example, at the University of Nebraska $42,522 is spent on coaching and support personnel in all of women's athletics while $301,981 is spent on football program salaries alone. At the University of Texas, although an equal number of sports are offered (7 for men and 7 for women) a comparative analysis of coaching salaries reveals the existence of some obvious problems in this area (see Appendix A) in that $14,911 is spent for coaches of women's teams while $300,890 is spent for coaches of men's teams.

Section 86.54(a) and (b) of Title IX regulations notes that a recipient may not discriminate on the basis of policies which either make "distinctions in rates of pay or other compensation" or "result[s] in the payment of wages to employees of one sex at a rate less than that paid its employees of the opposite sex based on equal work on the jobs the performance of which requires equal skill, effort and responsibility and which are performed under similar working conditions." S.2106 may in fact exempt employment in revenue producing sports from these equal employment provisions and thus bring the amended Title IX into conflict with the Equal Pay Act and Title VII of the 1964 Civil Rights Act.

Thus, in the case of UT alone, continued blatant salary discrimination on the basis of sex may be permissible to the tune of 1/2 million dollars in a single revenue producing sport. Some $300,000 to $350,000 in UT's administrative and support personnel salaries (Appendix B) could be justified as "required" to support football. This figure would be in addition to the $200,000 expended for football coaching salaries.

Let's look at another performance standard which would be affected. 86.41(c) specifically cites the performance standards of "nature and extent of publicity," and "the provision of travel and per diem allowances" which would be considered. A comparison of expenditures in these areas shows a need for closer examination of the treatment of both sexes. For example, at UT last year $2,200 was spent on publicity for women versus $50,000 for men; $16,000 was spent on travel for women versus $155,000 for men (see appendices C and D). Note that I do not suggest that these aggregate expenditures should be equal. Aggregate expenditures in the area of hotels, meals and travel especially vary from year to year according to how far a team has to travel to find competition at its level of ability, whether teams qualify for competition beyond normal schedules, etc. What would be important in an examination of these expenditures would be whether equal per diem allowances per trip, per athlete, were comparable or whether the same kinds of publicity services were available to teams despite the fact that participants were of different sexes.

Title IX regulations are also specific as to performance standard measurement in the area of scholarship and financial assistance. 86.37(c) provides that athletic scholarships and grants in aid must be provided in proportion to the number of students of each sex participating in the intercollegiate athletic program. Appendix E indicates a need for closer examination of UT scholarship opportunities for women. There are a total of 10 scholarship opportunities for women and 216 scholarship opportunities for men. 115 football scholarships of the 216 total number of men's scholarships would be exempt from Title IX provisions under the Tower bill. Does this seem fair?

These examples are part of the valid performance standards presently incorporated in the Title IX regulations. They are simply administered and objective criteria for identifying and correcting overt discrimination on the basis of sex. The Tower bill would not only prevent the regulations from being effective but would perpetuate the idea that it is necessary to discriminate in order to protect "profit making" big business sports. Indeed the rationale of the bill is that this discrimination would further the goal of equal opportunity for women.

S.2106 also perpetuates the myth that most intercollegiate athletic programs are financed through gate receipts or revenues from one sport -- usually football. This is simply not so. The funding of intercollegiate athletics has not followed a consistent pattern. In fact, contrary to popular thought, profit making intercollegiate athletic programs do not exist -- or they exist only on the cover page of a budget sheet which fails to take into consideration the total cost of the athletic program to the university. How many athletic program budgets show the amortized cost of the football stadium on the expense side of the ledger as a cost of the football program? How many revenue sport budgets show all or part of the administrative support personnel costs directly listed as a football expense? What portion of the $55,000 yearly UT telephone bill listed under administrative services is defined as a UT football program cost?

Let's take a closer look at UT's $2.4 million men's athletic program which is often considered a prime example of an athletic program supported through income derived from big-time football. Believe it or not a good case can be made that football at the University of Texas at Austin under one of the finest football coaches in the country is not even profit making. When the cost of administrative and support personnel salaries, coaches salaries, wages, operating expenses, scholarships, utilities, public relations, office supplies, telephone, salary benefits, insurance, maintenance, programs, cheerleaders, band, astroturf and allocation for budget adjustment costs are taken into consideration the $1.6 million in revenues solely produced by UT football are also solely spent on that same football program which costs approximately $1.6 million to run. If you go one step further in the assessment of costs to the University and consider the amortization of a 75,000 seat stadium, football is costing the University of Texas a great deal more money than the revenue it purportedly generates. We may then conclude that the total athletic program is not dependent on revenues derived from football gate receipts but is either dependent on $450,000 in income which is derived from an optional $20 student fee which provides free admission to all athletic events or from the money the University provides for capital expenditures which in turn frees other monies for operating expenses utilization. What on the surface gives the illusion of profit or net income, is nothing more than cash flow being used for operating expenses. It all depends on how you wish to interpret the data. We know that we can use statistics to support almost any proposition. What I am suggesting is that the Tower Amendment has found it convenient to maintain the myth that big-time football and basketball are not only revenue producing, but profit making enterprises which support all other teams in the athletic program. To accept this assumption as valid would be a grave error. We are simply not used to perceiving University support via capital expenditures as a cost factor in our programs.

The existence of the profit making myth in intercollegiate athletics is easy for me to understand as an administrator. What is not easy for me to understand is another assumption underlying S.2106: that the gate receipt-dominated, self-supporting nature of intercollegiate sport financing is so beneficial as to require its perpetuation by federal law.

George H. Hanford in a 1974 Report to the American Council on Education on the need for and feasibility of a national study of intercollegiate athletics (funded by both Ford and Carnegie Foundation grants) pointed a severely accusing finger at this very system the Tower Amendment purports to save:

> In short, one finding of the inquiry is that the cries of anguish about the over-emphasis on winning, and about the growing commercialism of big-time college sports of which that overemphasis is a function, should be directed, not at the athletic establishment but at the legislators, trustees and administrators who today demand that intercollegiate athletic departments support themselves.1/

Please understand that I am not against spectator-oriented sports programs. It is my sincere belief that any quality program will produce spectator interest. It is the *financial dependence* on spectator interest that I object to. Why should we subject any one group of students or coaches to

---

1/ George H. Hanford, editor. *An Inquiry into the Need for and Feasibility of a Nations Study of Intercollegiate Athletics*. Washington, D. C., American Council on Education, 1974, p. 64.

the pressures of having to bring spectators out to the stadium in order to make money in addition to the pressures of the high stress environment inherent in competitive sport? Are we saying that this is an educationally sound and valuable situation which must be perpetuated at all costs -- even at the cost of legalizing discrimination on the basis of sex?

My colleagues have already presented testimony illustrating the ambiguity of language in S.2106 -- especially with regard to the definitions of "gross receipts" and revenues "required to support that activity." One other ambiguity concerns me. S.2106 has a superficial appeal -- "sports that make their own money should have the right to keep it." However, such a concept doesn't fit into the philosophy of either an educational institution or a nonprofit enterprise. When a psychology department sells more courses in terms of students credit units than it needs to support itself, the University doesn't say, "Keep what is required to continue your program and we'll spread the wealth you created among less popular departments." All tuitions go into a general university fund and are first distributed according to the minimum basic priorities of the university. Each subject area (revenue producing academic departments and non-revenue producing research programs, etc.) receives the minimum amount necessary to meet basic needs. Only then is the excess beyond basic needs (profits, so to speak) available for distribution.

The Tower Amendment is suggesting we reverse the process. We should heap all the food on one child's (the biggest, oldest and most popular breadwinner) plate and allow the other children to eat only if that child leaves something. Should not the minimum needs of all students be met before dessert or second helpings are offered to an elite few?

Speaking about dessert brings me to the concept of directed gifts or donations. Universities have traditionally accepted directed gifts and donations. However, they have always reserved the rights to administer those awards and to refuse awards not in keeping with the University's mission. My only objection to the protection of directed gifts or donations is when they are used as a dessert course at a time when the minimal support needs of other sports are not being met. To heap benefits upon one sport without heed to the needs of others seems antithetical to the principles of equal opportunity for both men and women and to the broad concept of education espoused by institutions of higher education in the United States.

In closing I would like to address the charge that Title IX is about to amputate the revenue producing legs of big-time football and basketball programs. I'd like to suggest that an underlying basic tenet of S.2106 seems to be an attempt to legislate good management.

The Tower Amendment assumes that managers of intercollegiate athletic programs trying to operate under Title IX's mandate for equal opportunity will not have the flexibility or range of alternatives necessary to maximize the income capabilities of revenue producing sports. Besides taking issue with the insinuation of my lack of administrative ingenuity, I question whether this assumption is valid even under the most obviously discriminatory, unequal programs. For example, my situation at UT.

We have seven sports for women while the men also have a seven sport program. My operating expenses budget for women's athletics is not even equal to the yearly phone bill of the UT men's athletic program. The seven sport women's program operates on a total budget of $128,000 compared to $2,400,000 for men's athletics. I don't wish to imply that monetary expenditures are the standard for equal opportunity. However, such a great disparity between the budgets tells me I should take a close look at the performance standards specified by the current HEW Guidelines and apply them to the University of Texas program. Armed with what I expect will be evidence of discrimination, will bringing my women's athletics program at UT in line with the Guidelines undermine

Darrell Royal's revenue producing football program? Let's take a look at the alternatives which I believe can only lead to a logical "no" answer.

A manager in my situation will be faced with 3 alternatives:

1. I can ask men's athletics for whatever money it may take to provide equal opportunity for women and see that money come from the budgets of non-revenue producing sports. The results may be a reduction in the number of sports opportunities for men and women and a concomitant antagonism between men's and women's athletics that I may never be able to overcome;

2. I can ask men's athletics for whatever money it may take to provide equal opportunity for women and that money can be derived from an across-the-board cut of all men's sports. The result might be a possible reduction in program quality, but certainly a definite reduction in the standard of living of men's sports and again, concomitant antagonism between men's and women's athletics; or

3. I can begin a university-wide effort to establish a stable, non-gate receipt dependent, new, multi-source financial support program. This plan would result in: (1) the re-establishment of the educational function of intercollegiate athletics; (2) a stabilized athletics funding source; (3) immediate program expansion to meet broad student needs (necessary to justify student

mandatory support of the program); and (4) a removal of the unbelievable pressures on Darrell Royal, the UT football coach staff and UT student athletes to support the rest of the athletic program in addition to football's own $1.6 million existence tab. Concomitantly I would expect such results to produce respect between men and women athletes and athletic administrators.

This third alternative is currently being explored at UT. It relieves the worst fears of men's athletics and is an administrative possibility which exists without the need for a protective device such as S.2106. In fact, were S.2106 enacted, I doubt whether such an alternative would even be considered.

S.2106 is trying to protect revenue producing sports from the fear that they may not be able to produce revenues to the same extent as they have in the past. I'm afraid its about time we realized that revenue producing deficiencies in the future will be more due to changing external circumstances such as the encroachment of professional sports into the previously college dominated entertainment arena than to the requirement that institutions provide equitable women's sports programs.

Program administrators of high powered athletic programs have deluded themselves into believing that the illusion of self-sufficiency (engendered by years of popularity and economic wealths in higher education) is indeed a reality. They have already come close to committing economic suicide without having yet been required to do anything for women.

Every winning season, every new athletic program dollar, every human addition to the hoard of alumni supporters, has moved the athletic enterprise closer to big business and farther away from educational legitimacy. Knowing that this entertainment/business orientation holds low repute in academic circles, athletic administrators have established strong political ties with boards of trustees and regents and moved out from under normal university governance structures. In many cases, athletic directors hold even more power than university presidents. The result is the current, (or more correctly, continuing) crisis in intercollegiate athletics.

Intercollegiate athletics can no longer fund itself and to top it off, has "cooked its own goose" by spending years trying to become a profit making corporation and alienating itself from its only source of logical salvation -- normal university governance and funding. Students and faculty alike are hesitant or totally unwilling to share limited student fee dollars and general university funds for a program which benefits few and has few educational benefits for any.

I recently attended the NCAA economy convention and was privileged to have the opportunity to converse with university presidents and their representatives. Presidents are sitting back and waiting for Title IX mandates and outside groups to initiate the changes they feel are necessary to bring athletics back into the fold. Intercollegiate athletics is too politically potent an area for college presidents to deal with directly -- in many states, big-time football coaches could easily be elected governors.

It is interesting to note that presidents are allowing associations composed of university administrators and presidents themselves (like the American Council on Education and the National Association of State University and Land Grant Colleges) to speak forcefully in favor of Title IX and against the Tower Amendment, while they themselves individually remain silent and permit football coaches at their respective institutions to speak against Title IX and in favor of the Tower Amendment.

Rather than presenting a burden to the athletic program, Title IX may very well prove to be the salvation of intercollegiate athletics. Title IX may serve to break the vicious cycle of increasing costs and movement away from the concept of broad, worthwhile educational activities. The Tower bill would only serve to lock us into the present unhealthy and potentially self-destructive system of athletic professionalism on college campuses.

I am appreciative of the opportunity to present my views. Thank you.

APPENDIX A
University of Texas at Austin
COMPARATIVE ANALYSIS: COACHING SALARIES

SPORT	Women's* Athletics 1975-76	Men's Athletics 1975-76
BASEBALL (Head)	---------	$16,368.00
(Asst)	---------	3,449.00
BASKETBALL (Head)	$ 1,754.00	$21,800.00
(Asst)	---------	15,368.00
(Asst)	---------	13,368.00
GOLF (Head)	$ 2,876.00	$ 3,912.00
GYMNASTICS (Head)	$ 1,732.00	---------
SWIMMING (Head)	$ 2,400.00	$ 4,498.00
TENNIS (Head)	$ 1,909.00	$ 4,929.00
TRACK (Head)	$ 2,737.00	$16,368.00
(Asst)	---------	14,368.00
VOLLEYBALL (Head)	$ 1,503.00	---------
FOOTBALL (Head)	---------	$?????????**
(Asst)		28,768.00
(Asst)		23,108.00
(Asst)		23,980.00
(Asst)		22,000.00
(Asst)		18,606.00
(Asst)		18,000.00
(Asst)		18,000.00
(Asst)		18,000.00
(Asst)		16,000.00
TOTAL	$14,911.00	$300,890.00

* Salary base dictated by rank in physical education department (Coaching = 15% of total salary).

** Head football coach is also Director of Intercollegiate Athletics receiving a salary of $44,898.00 (see Appendix B).

APPENDIX B
University of Texas at Austin
COMPARATIVE ANALYSIS: ADMINISTRATIVE AND SUPPORT PERSONNEL EXPENDITURES

Position	Women's Athletics 1975-76 Salaries	Men's Athletics 1975-76 Salaries
Director	$22,500.00	$44,898.00*
Asst. to the Director	17,582.00	16,368.00
Asst. Director	---------	24,500.00
Athletic Trainer (Head)	10,000.00	14,818.00
Athletic Trainer (Asst)	1,755.00	13,568.00
Athletic Training Consultant	---------	1,000.00
Sports Information Director	1,695.00	15,748.00
Information Writer	---------	12,576.00
Business Manager	---------**	18,715.00
Assoc. Business Manager	---------	16,440.00
Asst Business Manager	---------	9,972.00
Counselor	---------	14,868.00
Grounds Maintenance	---------	8,724.00
		6,672.00
		6,456.00
		6,456.00
		5,640.00
Building Attendants	---------	5,832.00
		5,832.00
Stores Clerk	---------	8,436.00
Executive Asst.	---------	16,440.00
Administrative Asst.	---------	12,576.00
Administrative Secretary	---------	10,656.00
		9,648.00
Senior Secretary	7,380.00	7,632.00
	---------	7,632.00
		7,380.00
		1,845.00
Secretary	---------	6,672.00
Senior Clerk	---------	6,036.00
Accounting Clerk III	---------	9,972.00
Accounting Clerk II	---------	9,024.00
Accounting Clerk I	---------	6,456.00
		6,456.00
TOTALS	$60,912.00	$375,944.00
Total Budget of Department	Approx. $128,000.00	$2,400,000.00

* Includes head football coach salary.

** Asst. to the Director in Department of Intercollegiate Athletics for Women performs all business and accounting functions.

APPENDIX C

UNIVERSITY OF TEXAS AT AUSTIN

COMPARATIVE ANALYSIS: PUBLIC RELATIONS EXPENSES

	Women's Athletics 1975-76	Men's Athletics 1975-76
Personnel*	$ 1,695.00	$ 28,324.00
All Sports excluding football, basketball and baseball	$ 550.00	$ 3,900.00
Football	-----------	$ 12,500.00
Basketball	-----------	$ 3,500.00
Baseball	-----------	$ 1,800.00
TOTAL	$ 2,245.00	$ 50,024.00

* excluding secretarial personnel

APPENDIX D

UNIVERSITY OF TEXAS AT AUSTIN

COMPARATIVE ANALYSIS: EXPENDITURES ON HOTEL, MEALS AND TRAVEL

SPORT	Women's Athletics 1974-75	Men's Athletics* 1974-75
BASEBALL	-----------	$ 7,500.00
BASKETBALL	$ 2,484.27	$ 30,050.00
GOLF	$ 2,767.03	$ 8,000.00
GYMNASTICS	$ 1,575.18	-----------
FOOTBALL	-----------	$ 56,500.00
SWIMMING	$ 3,499.08	$ 15,000.00
TENNIS	$ 3,194.48	$ 4,000.00
TRACK	$ 737.52	$ 23,600.00
VOLLEYBALL	$ 1,761.35	-----------
ADMINISTRATIVES	$ 190.56	$ 20,500.00
TOTAL	$ 16,209.47	$155,150.00

* recruiting travel expenses not included

APPENDIX E

UNIVERSITY OF TEXAS AT AUSTIN

COMPARATIVE ANALYSIS: SCHOLARSHIPS

SPORT	Women's Athletics 1975-76*	Men's Athletics 1975-76 (***)
BASEBALL	-----------	$ 52,700.00 (20)
BASKETBALL	$ 4,048.00	$ 55,700.00 (21)
GOLF	$ 2,530.00	$ 22,900.00 (8)
GYMNASTICS	$ 1,513.00	-----------
FOOTBALL	-----------	$351,000.00 (115)
SWIMMING	$ 3,063.00	$ 32,200.00 (14)
TENNIS	$ 2,530.00	$ 22,000.00 (8)
TRACK	$ 2,024.00	$ 75,500.00 (30)
VOLLEYBALL	$ 2,024.00	-----------
TOTAL	$ 17,737.00**	$612,000.00

* Based on estimated allocations per sport . . . current figures not yet available

** Based on ten full scholarships with total value of $17, 980.00

*** Total number of full scholarships

STATEMENT OF PEGGY BURKE, PRESIDENT-ELECT OF THE ASSOCIATION FOR INTERCOLLEGIATE ATHLETICS FOR WOMEN, TO THE SUBCOMMITTEE ON EDUCATION OF THE SENATE COMMITTEE ON LABOR AND PUBLIC WELFARE

September 18, 1975

Mr. Chairman and member of the Subcommittee. My name is Peggy Burke, and I teach at the University of Iowa. I am appearing today at the request of the Association for Intercollegiate Athletics for Women of which I am President-elect.

Historically speaking, AIAW is only one year older than Title IX, but growth and development have been the hallmark of the four years of our existence. We believe athletic programs should be educationally oriented and the focus of such programs should be on the individual student athlete. Our membership last year included 659 institutions of higher education, both 2-year and 4-year institutions. This year's figures are, of course, not in, but we anticipate a considerable increase. Interest in women's intercollegiate athletics is here to stay!

My colleagues today are in the order in which they will address you:

Dr. Harry Fritz - Dean of the School of Health Education and Director of Athletics at State University of New York at Buffalo. In addition, Dr. Fritz is President of the National Association for Sport and Physical Education.

Dr. Joseph B. Oxendine - Dean of College of Health, Physical Education, Recreation and Dance at Temple University, Philadelphia, Pennsylvania.

Dr. Donna A. Lopiano - Director of Intercollegiate Athletics for Women, the University of Texas at Austin.

Also accompanying us today are Kay Hutchcraft, AIAW Executive Secretary, and Margot Polivy of the law firm of Renouf, McKenna and Polivy, AIAW's legal counsel.

The groups that have preceded me have commented on their pleasure at being here. I personally approach this situation with less than unqualified enthusiasm. It is a pleasure to represent AIAW, and it is a privilege to appear before this group, but I derive no pleasure from the fact that attempts continue to be made to amend a law designed to end discrimination against women.

I therefore vigorously oppose S.2106. My opposition is for the following reasons:

1. Despite years of opportunity, proponents of the Tower bill have not provided one shred of documentation to show that the revenue producing sports would be injured by Title IX.
2. The amendment creates a situation where it is possible for women to continue to be denied equal opportunity and at the same time be required to help pay for their brothers' having those opportunities.
3. It invites destruction of the so-called "minor sports" programs of the men.
4. It poses a great threat to the future of the very sports it seeks to protect.
5. The language of the amendment is imprecise and the possible implementation problems are horrendous.

I would like to briefly elaborate upon these points. A more in depth discussion of some of the points will be undertaken by my colleagues.

The chief Section of S. 2106 states:

> "(6) this section shall not apply to an intercollegiate athletic activity insofar as such activity provides to the institution gross receipts or donations required by such institution to support that activity."

The imprecision of the language, when removed from the supporting rationale, leaves one to wonder whether an exemption is being sought for an athletic activity or for receipts and donations.

If one assumes the exemption is sought for receipts and donations, then it becomes unclear whether the term "gross" was used when "net" was intended. Even if the language problems were resolved, one is left with the question, who defines receipts and donations and by what criteria?

One must also question who would determine what is "required to support that activity" on what bases such determinations would be made and who would monitor these proceedings. If this were attempted through federal regulations it would likely result in the establishment of a uniform system that would be imposed on very divergent institutional structures. If such a determination were attempted at the institutional level, this would not only result in a lack of a common base from institution to institution but could also lead to intolerable intra-institution pressure to fund certain groups.

Far more important than the procedural questions surrounding the amendment are the substantive issues.

Since November 1973, when a representative of the National Collegiate Athletic Association attended the first AIAW Delegate Assembly, and learned that Title IX covered athletics, I have read and heard countless statements as to how offering women an equal opportunity in athletics was going to destroy men's athletic programs.

I gathered from such comments that women were going to perform this dastardly deed by leveling some death blow at the "revenue producing sports." During this time frame, I have seen no documentation as to exactly how this was supposed to occur and so I came to this hearing thinking that at last I would hear facts and figures as to how men's athletics were being affected. I did indeed hear the charges re-affirmed. In statement after statement we were told that if the Tower Amendment were not adopted, the income generating base of the revenue producing sports would be destroyed and all of men's athletics would likely cease to exist and alas, the women's programs would self-destruct in the process.

I waited for the documentation - and I am still waiting.

It was implied that if educational institutions spent money on women's athletics, fewer fans would come out to see the men play and/or donate funds to such endeavors.

Would the spending of money on women's athletics result in any fewer skilled male athletes coming out of our secondary schools?

Assuming the two factors are independent and assuming the talent pool continues to exist, what is the correlation between spending money on women's athletics and diminished fan and/or donor support of men's athletics?

Are women asking for such vast sums that men are no longer being allowed sufficient support to attend college? It is true that some women's athletic budgets have doubled or tripled in recent years but I know of no case where they equal five percent of the total institutional budget for athletics and I believe two percent has been quoted as a national average. This hardly sounds as though it would be financially fatal to men's programs.

No, I did not hear documentation of the damage which S.2106 would seek to correct. What I did hear was most interesting-

-All who spoke of Title IX indicated that they supported its basic concept.

-Most spoke of excess funds from their revenue producing sports that were being used to support the entire men's and women's programs.

-None presented male athletes who had been economically or programmatically injured, or fans or donors who were unhappy with what their dollars had bought. If this happy picture is true, if all believe in the underlying concept of Title IX, if all already have strong women's programs, if all have sports that are generating excess income and if no male athlete, fan or donor is claiming injury, why then is there a need for the Tower Amendment?

If the NCAA can document the need for the Tower Amendment why have they not done so? Could it be that a recitation of budgetary facts from the higher education institutions of this country would tend rather to document the need for an intact Title IX? Those of us who stayed to hear the student testimony on Tuesday know that that is exactly what such figures show.

The need for S. 2106 has not been established but if passed, what might be its results?

Such an amendment or anything resembling it would allow a disproportionate pouring of funds back into the sports from which they were derived. It would be nice to believe that a sense of fair play would prevent this from happening but I think we must face the realities of the system in which men's athletics so often are forced to function. They must succeed if they are to survive professionally. Given that situation, will they not likely tend to stockpile just in case next year is not as successful as this one?

Are these malicious acts committed by evil men? Of course not. These would be the normal instincts of desperate people who fear their survival is threatened--and survival is the strongest of our instincts.

The system that forces an educational program to generate revenue needs to be examined. Unfortunately, S.2016 tends only to strengthen that system. If my theory of stockpiling is correct this amendment could allow:

1. Continuation of the very discriminatory under-funding of women's athletic programs that Title IX seeks to end.

2. Continuation of the "axing" of the men's minor sports that was evidenced at the NCAA August 1975 economy meeting.

3. Alienation of the men's revenue sports personnel from both those of the women's programs and those of the men's non-revenue programs at a time when they may need to be united in order to justify the existence of athletic programs in financially troubled academic communities.

The thought of attempting to implement the amendment is mind-boggling. Is it not paradoxical that those who spoke in support of the Tower Amendment were concerned with governmental interference in campus functions. Have they really stopped to consider the accountability that would be required by this amendment?

Certainly there would have to be a definition of "receipts."

-Are student fees "receipts?" If so, does the amendment not suggest that those collected from women students should be returned to women's programs?

-Are parking fees charged at athletic events "receipts?" If so, may there not be challenges lodged about using university property to produce revenue which is distributed in a sex-biased manner?

-Obviously, gate receipts are intended to be exempted. Might it not be argued that the cost of the facilities necessary for such receipt production should not be permitted to be borne by student fees or tax dollars if the benefits of those receipts can be reserved for one sex?

And what about donations? Should tax exemptions be allowed for donations that are to be distributed on the basis of sex? Should universities be allowed to pay from general funds the salaries of employees whose chief or only function is to raise monies for men's athletics?

What funds would be "required to support that activity?"

-Is first class air fare a requirement?

-Is a special training table a requirement?

-Are motel accommodations the night before a home game a requirement?

Might it be deemed that all available athletic scholarships are "required" in the men's revenue sports, thereby cutting out both female and other male competitors?

Financial aid to athletes, through tuition, covers only approximately one-third of the total educational cost of an in-state student in our public institutions. The remainder is paid out of the general university fund. If scholarship opportunities exist for an exclusive cadre of men and are unavailable to women, then the female students and less privileged males are not only deprived of an equal opportunity, but they and their parents, through tax and tuition dollars help cover the cost of the select group.

Such has been the lot of women in the higher educational institutions of this country. Through their student fees, through their tuition dollar, through their or their parents' tax dollars they have helped to pay for the athletic opportunities in so-called revenue producing programs of their male counterparts while being denied those opportunities themselves. Title IX is designed to end that discrimination. It does not require identical spending by sex, it merely requires equal opportunity. Is that too much to ask in the "Land of Opportunity" two hundred years after its founding?

Title IX is a good law, it has already been weakened by the Regulations. I do hope this group will not allow the athletic section to be disembowled by this or similar amendments.

STATEMENT OF DR. HARRY G. FRITZ, PRESIDENT OF THE NATIONAL ASSOCIATION FOR SPORT AND PHYSICAL EDUCATION, TO THE SUBCOMMITTEE ON EDUCATION OF THE SENATE COMMITTEE ON LABOR AND PUBLIC WELFARE
September 18, 1975

Mr. Chairman, I am Harry Fritz, for the past five years, Dean of the School of Health Education and Director of Athletics at State University of New York at Buffalo. Enrollment at Buffalo is approximately 25,000, overall, including approximately 13,000 full-time undergraduates. Included in the program which I administer are 11 intercollegiate sports for men, 7 for women, plus 14 "Club Sports" and a variety of recreation and intramural activities. The men's program functions within Division I of NCAA and the women's program is a member of AIAW.

I also present myself to the Committee this morning as the current President of the National Association for Sport and Physical Education. NASPE is an educational association of approximately 27,500 professional members, including college and high school coaches, sport administrators, athletic trainers, physical educators and researchers. Like AIAW, the National Association for Sport and Physical Education is affiliated with the American Alliance for Health, Physical Education, and Recreation.

During the Title IX hearings and from the attendant publicity, many people received the impression that only a relatively few colleges and universities--those with major football or basketball programs with a significant revenue generation--are deeply concerned about Title IX. A comparatively few institutions have been highly visible in attempting to affect legislation dealing with equal opportunities in sports. Actually, there are over 1,100 four-year colleges and universities with intercollegiate varsity-type athletic programs. Most of these schools see Title IX as a long overdue impetus for upgrading their programs for women, not as a threat but as an opportunity. It is reported that over 750 of ese institutions belong to NCAA in one of its three divisions. Over 550 colleges long to the National Association of Intercollegiate Athletics (NAIA). Approximately 0 institutions hold membership in both NAIA and NCAA. There are, additionally, pproximately 900 community colleges with sports programs affected by Title IX. : is clear that the Tower bill would, at best, benefit only a minute segment of ne college community.

Mr. Chairman, I do not know how many of these colleges show a net profit or their total intercollegiate sports program. The 1974 Hanford Report on ntercollegiate Athletics (to the American Council on Education) estimates the number at approximately 30. The Hanford Report estimate is somewhat similar to some NCAA estimates in this regard. Using a true analysis brings into question whether even 30 or so programs can accurately declare a profit. For example, you have before you the "Summary of Operating Budgets for Intercollegiate Athletics for South Dakota State University for 1975-76" presented in Tuesday's NCAA statement to this Committee. The term "operating expenses," as Mr. Marshall pointed out, does not include salaries, overhead, maintenance and administration expenses in the $103,992 figure shown. It is very difficult, if not impossible, to accurately "cost out" a particular sport or collegiate program. Salaries of faculty who coach are often not computed in determining costs. These faculty are most generally compensated by load adjustment (reduced teaching hours). Capital and construction costs are often not computed as program expenses. Sports-oriented news services, foundation and alumni activity costs are often attributed to those agencies rather than to the athletic department. For economy and for administrative efficiency there has been a move in recent years towards combined and coordinated departments of physical education and athletics. While maximizing facilities, staff and budget utilization and flexibility, it makes accounting for costs of shared facilities, secretaries, and offices very difficult. Assigning utilities and maintenance costs on a programmatic basis would result in some interesting arithmetic and would at best be arbitrary.

When one considers the preferred tax status of college operated programs, and donations to these programs, a very complex picture unfolds. Donations for athletic grants-in-aid and other educational purposes are tax deductible. Public colleges are able to offer state-guaranteed bonds to construct facilities. Public lands are used and educational institutional property is usually exempt from property taxes. The real test as to whether an athletic program is showing a profit or loss would be provided by asking "what would the same program cost if it did not operate on campus and as a part of an education enterprise?"

Whether the Tower bill is intended to apply to gross receipts, or net receipts, for a particular sport we would be faced with a serious dilemma if S.2106 were passed. Simply stated, S.2106, as written, is not enforceable. It has the potential for abuses. If gross receipts are the measuring stick, you are encouraging expansion of expense. You would be helping to create a program out of proportion to the rest of the university. There would be a natural tendency to inflate costs of a revenue producing sport and to avoid a net revenue at all costs. But rather than profit, the vastly more common reality is that the great majority of programs operate now with receipts less than expenses.

If net receipts are used in determining exemptions under the Tower bill, it would be necessary to develop a unified accounting system for every college and university in the country and for the Federal government to enforce uniformity. The Federal government would necessarily oversee virtually every aspect of the intercollegiate athletic operation. This intrusion would represent a cure worse than the disease.

Chancellor Tate accurately pointed out on Tuesday the great diversity in the funding and administrative patterns in intercollegiate athletics. In terms of actual program operational costs (team travel, insurance, officials, guarantees, uniforms, etc.) the student fee dollar is the main source of support. In the State of New York, all of the SUNY and CUNY institutions basically operate their athletic programs with student fees. Capital costs, maintenance, utilities and salaries are provided in the general institutional budget. At my own institution, undergraduate student fees account for $221,000 of an approximately $260,000 budget. Gate receipts, guarantees, and institutionally provided funds for rentals are other sources of funds. The $260,000 budget does not include salaries, maintenance, utilities or capital expenses.

The Tower bill, for the first time, implies that the goal of Title IX is financial equality. We believe program criteria should be the basis for judging compliance with Title IX and this is the standard that HEW has incorporated in its regulations. Competitive and practice opportunities, quality of instruction, facilities, and safety and quality of medical and other services are the kinds of things that really count.

College sport administrators are already subject to interpreting and implementing a very thick rules book that covers such items as the number of pre-enrollment visits to the campus, nature and type of awards, size of coaching staff and travel squads, number of allowable contests, academic status of participants and many, many other aspects of program administration through their athletic governing organizations. Given the competitive, emotional nature of athletics, we can see no reason for opening up another Pandora's box with another cumbersome enforcement situation. We do not see the goal of Title IX, expanded sport opportunities for women, being served by the adoption of the Tower bill. Indeed, we cannot even conceive of the Tower bill truly serving the interests of the revenue producing sports it seeks to exempt.

I conferred on Sunday with Dr. Robert Livingston, President of the NAIA, the national regulatory body for 565 colleges of moderate enrollment. He indicated that he can see no reason for the exemption of certain sports or revenues from the provisions of Title IX. The basic tenet of his organization is that athletics are an integral part of the total educational process. He notes that generally, NAIA member school's programs are not dependent on gate receipts for continued operation and that gate receipts are often negligible in the small college operation. In those colleges, athletics is seen as a part of the institution's program of general education.

It simply would not be good business for an athletic program for men and women to do other than be highly supportive of a particular sport that generates substantial revenue that ultimately supports the total program. Men and women sport administrators are highly trained professionals, usually with advanced degrees. They are aware of budgeting sources. No one is going to "kill the goose that laid the golden egg." If the ice hockey team for men is generating funds that help support the women's field hockey team it would seem to follow that the women's field hockey interests would be very positive towards the men's ice hockey program. The notion that the women's program or the men's non-revenue sports will oppose or "buck" a more glamorous revenue sport, out of jealousy or vindictiveness, is a myth and is not supported by fact.

Essentially, colleges and universities are in the education business, rather than in the entertainment field. It is my observation that most coaches and administrators believe in the educational and developmental values of a well conducted program. The benefit of values are those that accrue to participants. Coaches see the pool and the court as classrooms. A real teaching and learning situation prevails. There are compelling reasons that an athletic program should receive, at least, some general university educational funding, as well as student fee funding, and should not be entirely dependent upon receipts and donations. A sports program should be a strong arm of the institution's general education program. Additionally, those colleges and universities offering professional preparation for coaches, athletic trainers, and others who will work in sport and recreational settings, have a valuable experiential and laboratory opportunity for their professional students. Athletics as conducted by the school/college community and as conducted by those prepared in these institutions can be at the cutting edge in meeting the great societal and health needs of our time. At the very least, the Tower bill would provide tacit support for the notion that college athletics are commercial ventures rather than educational programs.

All of this is not to say that the game should not be aggressively merchandised and attractively presented. But not at the expense of education values and equal opportunities for all students, male or female. All programs, whether they be drama, music, mathematics, physics should help sustain themselves through public performances, grant solicitation, contracts, and so forth. There is no inference in this testimony that the college should not charge admission or vigorously solicit TV commitments. It is unfair and inaccurate, Mr. Chairman, to characterize those organizations and individuals who have supported Title IX from the outset and who speak of the educational potential of school and college sports as being opposed to vigorously conducted, highly competitive sports programs.

Even though the AIAW launched its program for women before the advent of Title IX and many colleges had made significant strides in providing programs for girls and women before enactment of that legislation, it is obvious that Title IX has had an impact. It can be seen and felt. Many of the advances made in the women's athletic programs have been made in anticipation of strong Title IX regulations.

Historically, the women have been fair and their requests modest considering the years of waiting and benign neglect. But these programs are growing and that growth must be encouraged and stimulated if our female students are to be given the benefits which are derived through sports participation. These benefits help legitimatize the athletic program in the overall educational process. The Tower bill would represent a drawing back from the basic commitment to equal opportunities for women and a concomitant withdrawal of vigorous support by colleges and universities could realistically be anticipated.

We hope that the Congress will not retreat from the commitment it has offered the girls and women under Title IX. We ask that the fundamental goals of Title IX not be altered by an amendment (S. 2106) that would benefit certain elements of programs of a relatively few institutions at the expense of the vast majority of students, male and female.

Mr. Chairman, I urge the Committee to reject S.2106 and permit the Title IX regulations to function without inhibiting amendments. If the future demonstrates that Title IX leads to inequitable situations, there is ample time to develop sound solutions based on actual experience.

Senator PELL. Our next witness is Dr. Robert Scannell of Pennsylvania State University.

STATEMENT OF DR. ROBERT J. SCANNELL, DEAN, COLLEGE OF HEALTH, PHYSICAL EDUCATION, AND RECREATION, PENNSYLVANIA STATE UNIVERSITY, ACCOMPANIED BY NEWTON CATTELL, DIRECTOR, FEDERAL RELATIONS

Mr. SCANNELL. With me is Newton Cattell, director of Federal relations at the university.

With your permission, I would like the written testimony to be made a part of the record.

Senator PELL. It will be inserted in the record in full, without objection at the conclusion of your testimony.

Mr. SCANNELL. I would like to forgo repeating a lot of this because much of what I presented in the written testimony has already been said to you in the last few days.

Maybe I can shed a somewhat different light on the issue because I speak as an institutional representative rather than the representative of any organization or position.

In my position at Penn State I have administrative responsibility for the total athletic program, including men and women.

I am not in a position where I can approach the issue at hand from any philosophical view. I have to be pragmatic in my approach because I have a group of students to provide programs for, and although I may agree or disagree with the various philosophical positions, I have to face the realistic problem of the day.

I should, in doing this, affirm that I am giving testimony on behalf of the total university. The testimony I have presented or will have included in the record has been reviewed by President Oswald, by Coach Paterno, by Miss Durant, who administers our women's intercollegiate athletic program, and by others in the university.

For the record, I should also state that Penn State is a coed institution with a record of concern and progress in providing athletic opportunities for its women students. That tradition extends back many years. For over 10 years Penn State has sponsored women's intercollegiate teams and we currently offer, at the varsity level, 11 sports for women, 13 for men, and 2 on a coed basis. This program has been developed without sacrificing the quality, or the level of fiscal and competitive success, of the traditional men's program.

For the institution, and as an individual, I applaud and endorse the equal opportunity rule that appears in the regulations implementing title IX. With but one exception, which I will mention later, I believe Penn State is already meeting both the specifics and the intent of the regulations.

In the written testimony I try to make three points.

The first is the importance of revenue-producing sports to programs such as ours.

I will agree with what Dr. Fritz said. Ours is a small minority program, but as you have already found in these hearings and over the last year or two, it represents a very vocal minority of many large schools.

I wish to do this with specific figures from Penn State. We have them on charts so you will not need to follow the print.

The second point I am going to try to make will be concerned with the Tower amendment itself. I personally, and from an institutional standpoint, feel it is unnecessary and will compound rather than simplify the current situation.

As I said I wish to make a final point concerning the problem which will exist regardless of what you do with S. 2106.

Please hold that chart up, Mr. Cattell.

The first exhibit is, I think, a very vivid explanation of what this revenue dollar question comes down to.

We operate under a very strong State audit so that such questions as have been raised about who was paying mortgage on the stadium can be answered. We are.

Who is paying the salaries of coaches, for men and women? We are.

The total varsity sports income was $3,032,000. These are 1974–75 final figures.

Total varsity sports expense was $2.4 million. In effect, these are the direct costs of the sports. They are costs which can be filtered out.

It is virtually impossible to filter out the cost of the medical service and virtually impossible to filter out an administrative salary not related to a particular sport.

Basically, then we are talking about a total varsity sport expense of $2,484,000.

Senator STAFFORD. Does that figure of expenses include the cost of a mortgage on your stadium, for example?

Mr. SCANNELL. No, sir. At this point there is no mortgage on the stadium; the stadium is actually free and clear at this point. The stadium was built with this sort of revenue.

I do not know what happened in 1920 when the first part of the structure was erected.

We have gone through three additions which I have been involved with. All of these were mortgages by the university, but with us providing all the funds, including the interest.

Senator STAFFORD. Thank you.

Mr. SCANNELL. The football program last year had an income of just about $3 million. That was an unusual year because of television and bowls.

On the other hand, 7 of the last 8 years this team has gone to bowls, so it was not that unusual.

Now, football expenses were $1,800,000. The net of the football program was $1,100,000. The direct cost of the other 24 sports, including grants-in-aid, coaches salaries, travel expense, per diem, and so forth, was $623,618, all paid for from the football net, except for $38,000, which was the total income of these sports.

Part of our problem is that with a 30,000-student population on the campus, we have 7,000-seat indoor arena, so we are really not in a position to make money off of basketball or other indoor sports.

We made $38,000 on these other sports, against an expense of $623,000. Our net was a minus $585,000 in these other sports.

As a pragmatist in today's society, I have to be interested in preserving the football net. There are other university funds available to support athletic types of activity. However, we have taken the philosophical stance that university funds should go to instructional and intramural programs. Our broad based instructional and recreational program, which appeals to all students, is being underwritten largely by the tax, tuition, and fee base. We say that if we can afford to go to this top level of competition, and preserve the broad base, let's do it.

If we can't afford it, then let's not take the tax money to produce the program for a few unless we have enough tax money to do it after we produce the program for the many.

Knowing today's budget problems throughout the Nation, I think there are probably very few schools that can say there is tax money left over to run this sort of varsity program. So you can see very quickly the great importance to revenue to our program.

I'm extremely concerned with preserving this revenue. In the testimony, gentlemen. I have stated, and I sincerely believe this, that we have met both the intent and specifics of the current title IX regulations. You asked the question a little while ago of how you determine whether or not you have met the regulations. You received an answer related to performance standards.

Another easy way to do it might be to have your men and women coaches sit down together and make them all sign off saying we are getting the same sort of per diem, we are getting the same treatment, et cetera.

We have two tennis coaches to share one building. We have a small tennis building. Those two coaches must agree to the allocation practice time. We do not decide for them.

They must agree between themselves and work out this type of question. These things can be worked out.

The university, as I indicated, feels that it is in compliance with the regulations and does not need the Tower amendment, bill S. 2106, to continue to operate what we feel is a successful and fairly well balanced program.

Had the regulations, the final regulations, out of the Department of Health, Education, and Welfare, been written in terms of money, I would be testifying today to try to perfect the act.

Since the regulations do not require consideration of money, my testimony, in substance, is opposition to the act.

I have an exhibit which you have already reproduced on page 2 of the University of Texas testimony, so I will not bother you with that. I simply point out again the terms used in the regulations are those of output or impact. What impact is your spending having on the young man or young woman, and not how much you spend.

I think an excellent example occurred last year when our women's gymnastics team qualified for the nationals. We had to send them across the country, and we suddenly got distortion of expenditure in favor toward women. This type of thing, if you are measuring outputs, is something you just take in stride. However, if you are measuring money, you have immediate problems.

The regulations do not measure money. Therefore, the Tower amendment, to accomplish its basic goal of permitting institutions to earn funds, is really not necessary.

Now, as an institutional representative, I am more concerned with the potential impact of S. 2106 on the total institution. The point has been raised on athletics that S. 2106 tends to preserve the status quo.

The point has been made by others and, by myself, that S. 2106 is not necessary, but I would like to go a little further.

It appears that this legislation, if enacted, would require extensive new regulations, starting simply with the definitions of the terms.

In my layman's eyes, and I am certainly not a lawyer, there are several ways to interpret key words in this legislation.

Words such as gross receipts, donations, and so forth will cause problems.

I think with very little effort you and I could come up with as many as 10 definitions, with equally logical bases, for any of these terms.

The term "required" is an example. I think we could write definitions which say protected receipts and donations are required for a sport, regardless of any other consideration. I think we could write a definition that would say the entire income of football needs to go back to football.

I think we would also write, with equal logic and equal validity, a definition that says that none of that revenue is required for the sport unless the total institution is operating at a deficit and is faced with bankruptcy or tax bailout, depending on whether the institution is in the private or public sector.

Beyond the desire to avoid the furor of another set of regulations, and I think S. 2106 will lead to development of another set of regulations, I am even more concerned with the compliance and reporting documents that HEW would have to require of all institutions which offer a sports program which produces even a nickel of revenue.

It would seem impossible to attempt to enforce S. 2106 without comparable data from all institutions.

In effect, the legislation would mandate HEW to design and require a national accounting and reporting system for athletic budgets.

Still more troublesome is the fact that it would be almost impossible to examine donations, whatever that means, except in the context of the total donations to an institution.

It would be virtually impossible to examine gross receipts for sports, except in the context of gross receipts for the institution.

I think you could agree that a perfectly logical outgrowth of this legislation would be the establishment of a national accounting and reporting system for the budgets of institutions.

I am not prepared today to debate whether or not that is a good point. I do think it is a significant point and enough of a potential change to our diverse systems of higher education that we should not back into it as an inadvertent result of an act with a different goal.

So, if we want to get into that sort of accounting system, it should be considered in its own light and not as a result of an unrelated concern.

And lest you think that as an institutional representative my concern is exaggerated, I should point out we are one of the institutions that were caught in the problems between several institutions, the Department of Labor, and HEW, a few months ago, and we are still trying to figure out exactly where we are in that matter.

In the last few years we have tried to write regulations for various Civil Rights Acts. Institutions in this country, I am sure you have heard, have spent literally millions of dollars coping with reporting requirements. These dollars are really not going to accomplish the goal of the acts.

If the goal of S. 2106 can be reached without the actual bill, we can avoid that similar problem with regulations.

I think that much of the testimony that you have received in the last 3 days reflects the fact that my colleagues at other institutions have tended to look too narrowly at S. 2106.

They have either looked at it from the view of their own institution, forgetting the variety of institutions, variety of funding bases, and they have also looked at it only as having impact on athletics, and can not extend it out to its logical conclusion.

I see it, as I said, as leading to more regulations, and more reporting. I think that is an outcome we can all ill afford at this time.

Now, there is another point which I wish to talk about, as I said. It deals with a section of the regulations which is not clarified by S. 2106, and which is significant enough that it will probably need further clarification before this whole situation stabilizes itself.

That section is section 86.37(c) of the regulations, which has basically been overlooked in public discussion of the impact of the regulations on intercollegiate athletics.

You had some testimony on this a few minutes ago.

This is the section relating to athletic scholarships or grants in aid. The section promulgates a rule of proportion for athletic scholarships.

It will require further clarification regardless of the disposition of S. 2106.

The issue will be the degree of specificity of the status proportions and the treatment of scholarships in revenue producing sports.

The question will be whether the athletic scholarship in revenue-producing sport is a necessary expense of the sport, as is the equipment, or does it represent unrestricted aid that can be applied to other students?

Unfortunately, gentlemen, for the few institutions which are operating programs that may produce revenue—you define the revenue sport as we did, as one which not only earns income, but earns a net—the scholarship does become an expense. In those institutions further clarification is going to be necessary.

I have a final exhibit which shows the impact of two possible interpretations.

I might add there is another very possible interpretation, which is simply to downgrade the law of proportions. If we can get a rule of reasonableness, rather than rule of proportions, we are probably in a better situation.

But, taking the type of argument which is going to be given by the same schools that are so strongly favoring the Tower amendment, and using Penn State figures, you can come up with two very different interpretations, depending on what you do with your revenue-producing sports.

These figures are current year figures, they are rounded severely in order to give us round figures.

With approximately 500 men on campus participating in intercollegiate athletics; approximately 200 are on aid, actually they are about 205. Total women participating is estimated—well, the men are estimated, too, because we are just beginning the year—but it is about 200. There are 30 women on aid at this point.

Senator PELL. When you say "on aid," does that refer to athletic scholarships?

Mr. SCANNELL. Yes, sir. When I refer to aid in this diagram, I am talking about athletic scholarships.

Senator PELL. You mean 200 of the 500 people you have in intercollegiate athletics are on athletic aid?

Mr. SCANNELL. In the varsity program, yes, sir, they are.

I would like to come back to the definition of varsity in a minute.

So we have 40 percent of our men on aid, 15 percent of our women.

That 30 figure for women is a 2-year accomplishment [indicating].

Last year was the first year that we were allowed to give aid to the women under their national competitive rules.

If you interpret section 86.37(c) in one way, you get a target of 80, which is a difference of 50 from where we are today.

If you interpret it to exclude intercollegiate football, you get a target of 50, which is 20 from where we are today.

The difference for our institution is between $60,000 and $70,000, tuition, and room and board rates.

That difference is significant enough that, unless the Civil Rights Office of HEW takes a stance at loosening the law of proportions and introducing the law of reason, you are going to have to have further interpretation. When you talk to a school about $60,000 or $70,000, as you heard in some of the testimony earlier, that sum in many cases represents the total budget of the program. In order to comply with the regulations they will have to come up with this sort of money.

Taking a pragmatic view, and knowing an argument is going to come on it, I would say that we probably would be better off to exclude the revenue sports if we have to go with proportions.

And if we get to that point, then we can talk about going further.

It is going to introduce an element of argument, such as we are having now on S. 2106, which is extraneous to probably 90 percent of the schools in the country, and will simply take us further from agreement.

The other alternative to this is to soften the law of proportion, which, as it is written now in the regulations, can define itself down to numbers, to specific numbers, and instead substitute a rule of reasonableness or regulation of reasonableness, such as we have with the measurement of impact of the dollar rather than the dollar.

In summary, I have tried to make three points: First, the pending legislation does not appear to be necessary if section 86.41 is enforced as written. The final regulations do not deal with the dollar spent, but instead concentrate on the more meaningful measures of outcome and opportunities for students.

Second, the pending legislation will require extensive additional regulations and complex and unnecessary recordkeeping and reporting—very possibly leading to a national accounting and reporting system for the total institutional budget of all institutions receiving any amount of revenue or donations from, or for, any type of athletics.

Third, the pending legislation not only appears superfluous in light of the final regulations, it does not touch upon the key current problem of those who need to protect revenue producing capabilities—that of section 86.37(c).

Finally, as a part of this third point, I have suggested a possible interpretation of section 86.37(c) which is reasonably precise, assures opportunity for women and others in nonrevenue sports, and which provides reasonable protection to the revenue producing capacities of the programs.

We do not appear to need S. 2106 to meet its intent and we see many potential problems if it is enacted. We do, however, definitely need clarification, hopefully along the lines I have suggested, of section 86.37(c) of the regulations.

Senator PELL. Thank you very much, Dean Scannell.

You have fully covered the points I was going to ask you.

I hope you will stay by, because the administration witnesess are here, and I would like to ask their thinking in connection with the last point that you raised.

Could you sit at one end of the table and let the administration witnesses come forward?

Mr. SCANNELL. Could I raise one more point?

The definition of varsity sport has an impact on some of these figures and has impact on many of the comparable figures you are getting. It is a major problem in trying to understand the situation. I am not pretending to give you an answer to the problem, simply to point out that the definition of varsity is an institutional definition.

We classify our sports as varsity, club, and intramural.

In our case the difference between varsity and club is a point at which we taken on responsibility for coaching and the responsibility for other types of expenses. For example, our rugby club also raises money for its beer and travel, or its travel and its beer.

But there is a point which should be understood—no matter where you go you will find institutions have slightly different definitions of varsity, so you really will not get a clear answer from anyone as to what it means, just as you will not get a clear answer to where do you move from physics to biophysics in an academic department.

Thank you.

[The prepared statement of Mr. Scannell follows:]

THE PENNSYLVANIA STATE UNIVERSITY
University Park, Pennsylvania

Testimony on S. 2106

Amending Title IX
Education Amendments of 1972

for

Committee on Labor and Public Welfare
Subcommittee on Education
Senator Claiborne Pell, Chairman

Dr. Robert J. Scannell, Dean
College of Health, Physical
Education and Recreation

September 19, 1975

Mr. Chairman and Members of the Committee:

My name is Robert Scannell and I am the Dean of the College of Health, Physical Education and Recreation at the Pennsylvania State University. In this position I have administrative responsibility for an athletic program of intercollegiate, intramural, and club sports as well as a variety of instructional and research programs in related fields. I am not, therefore, approaching the issue at hand from either a male or female viewpoint, or an organizational viewpoint, but as an administrator charged with providing a quality program for students - both men and women.

At the outset, I want to thank you for the opportunity to present this testimony. I am fully aware that you restricted the witness list because of the limited time available to you, and I am honored to be here today.

Before stating a position on S. 2106, I would like to affirm that I am testifying on behalf of the Pennsylvania State University and not as a representative of any particular group within or outside the University. I am authorized to speak on behalf of the University and the testimony I will present has been reviewed by President Oswald, by Coach Paterno, by Miss Durant, who administers our women's intercollegiate athletic program, and by others in the University.

For the record, I should also state that Penn State is a co-ed institution with a record of concern and progress in providing athletic opportunities for its women students. That tradition extends back many years. For over ten years Penn State has sponsored women's intercollegiate teams and we currently offer, at the varsity level, 11 sports for women, 13 for men, and 2 on a co-ed basis. This program has been developed without sacrificing the quality, or the level of fiscal and competitive success, of the traditional men's program. For the institution, and as an individual, I applaud and endorse the equal opportunity rule that appears in the regulations implementing Title IX. With but one exception, which I will mention later, I believe Penn State is already meeting both the specifics and the intent of the regulations.

My testimony today will attempt to make three points. The first will be the importance of revenue producing sports to programs such as ours. To do this, I will use specific figures from Penn State as examples. My second point will be concerned with the pending legislation which has the intent of protecting our capacity to earn such revenue. My third point will address a problem in the existing regulations, as they deal with revenue sports, which we believe will require further interpretation, regardless of the eventual disposition of S. 2106.

S. 2106 is designed to protect the revenue producing capacities of various sports. My first exhibit (appended) gives a vivid indication of why I must be concerned with protecting the revenue earning capacities of our program and why I applaud the intention of the sponsors of S. 2106. As can be seen in the exhibit, we currently operate our athletic program on a budget of about $4,000,000. About $1,500,000 is involved with activities or services which are not directly related to any sport, such as the ice rink and golf course operation, or serve all sports according to need, such as the medical services or general maintenance budgets. This leaves about 2.5 million which directly funds the coaching, scholarships, travel, equipment, and other direct expenses of our 26 varsity programs. Football and related expenses account for about three quarters of that amount - yet earn more than that amount. In other words, football totally underwrites all the other varsity sports and still has a surplus to contribute to other athletic related operations. If one examines Exhibit I, it is readily apparent that, without the revenue of football, we would have to drastically reduce our total offerings for both men and women. I hope that it is also apparent that a less aggressive, less expensive, football program would probably not produce as much net revenue. This same sort of example, with different figures, and often different sports, can be cited by many large institutions.

Despite this fiscal inbalance, I have stated that we meet the intent and the specifics of the Title IX regulations. This is because the regulations are written in terms of outcomes for students and in terms of equality of opportunity and not in terms of the dollar spent. They re correctly concerned with the impact of the spending rather than the mounts. Had the final regulations defined equal opportunity in terms f the dollars spent, some change, such as S. 2106, would have been an bsolute necessity for programs such as ours to survive - for both men nd women.

As you are aware, however, the final regulations do not measure quality in terms of dollars. The regulations do not require Penn State o either find another million dollars or to drastically alter our resent program. They simply require that we assure that students - oth men and women - be given equal opportunities regardless of costs. The key points in the regulations, summarized in Exhibit II, are directly oncerned with the opportunity for the students. As long as the regulations in Section 86.41 are enforced as written, and as long as we concentrate nforcement efforts and program development and appraisal on such measures s travel provision, equipment, quality of coaching, and similar meaningful easures, and not on the dollar, S. 2106 is unnecessary and is potentially armful. Indeed, if you'll forgive my saying so, the proposed solution ay be potentially far worse than the problem it is designed to solve.

You have received, I am sure, testimony pointing out possible buses of this legislation - so I will not dwell upon them. I am sure ou have received equally vivid testimony supporting the legislation. As n institutional representative, I frankly can see little that will change in the athletic programs we offer our students, or in our capacity to enerate the revenue to underwrite these programs, as a result of the assage or defeat of S.2106 - as long as we enforce Section 86.41 as it is written. Further, on the negative side, I am extremely concerned bout the potential impact of S. 2106 on the total institution.

It would appear that this legislation, if enacted, will require urther extensive new regulations from HEW, starting with the definition f the terms used in the legislation. To my layman's eyes, it appears hat there are many ways to interpret several of the key words in this egislation. For example, the legislation uses such terms as "gross receipts" nd "donations." With very little effort, I am sure each of us could produce several equally valid working definitions for these two terms. The term "required," for example, will cause extensive problems. The protected receipts and donations may or may not be "required" to support an activity, depending on definitions. Regulations could be written in such a manner that all revenue of a sport is required for that sport, regardless of other considerations; or regulations could just as logically be written so that none of the revenue is required unless the total institution is operating at a deficit.

Beyond a desire to avoid the furor of a new set of regulations at this time, I am even more concerned with the compliance and reporting documents that HEW would have to require of all institutions operating sports programs which produce even a nickel of revenue. It would seem impossible to attempt to enforce S. 2106 without comparable data from all institutions. In effect, the legislation leads to an HEW designed and required national accounting and reporting system for athletic budgets. Still more troublesome is the fact that it would be very difficult to examine "donations" for sport, except in the context of the total "donations" received by the institution, or to examine "gross receipts" for sports outside the context of the gross receipts of the institution. A required national accounting and reporting system for the budgets of institutions, is, I think you will agree, a perfectly logical outgrowth of this legislation. This is a result which I do not think was either intended or desired by the sponsors and supporters of the bill

I am not prepared today to debate the merits or problems of such an outcome. I do, however, definitely feel that such a reporting system is too significant not to be considered in its own right -- it should come into being as an inadvertent outgrowth of unrelated legislation.

Lest you think, Gentlemen, that my concern is exaggerated, you need merely recall the continuing problems both the Department of HEW and the Department of Labor, and many of our nations most prestigious colleges and universities, are having in trying to cope with regulations and reporting systems for Affirmative Action employment.

I fear my colleagues at many other institutions have perhaps looked too narrowly at S. 2106. They see it as either solving or compounding what they perceive as a problem in the present regulations. From an institutional viewpoint, I see it first as totally unnecessary in view of the final regulations. I see it secondly, and more importantly, as leading us to - indeed requiring - extensive further implementing regulations and a massive and expensive new system of reports. This is an outcome we can all ill afford at this time.

Early in this presentation, it was stated that there is one exception to my institution's meeting of, and agreeing with, the specifics and intent of Title IX regulations. With your indulgence I would like to speak briefly on that point - to clarify the problem and to suggest a solution.

Section 86.37 (c) of the regulations has been overlooked in much of the public discussion of the impact of the regulations on intercollegiate athletics. This section promulgates a "rule of proportions" for athletic scholarships or grants-in-aid. It states that the recipient must provide reasonable opportunities for such awards for members of each sex in proportion to the numbers of students of each sex participating. This section will require further clarification, regardless of the disposition of S. 2106. The issue will be the specificity of the proportions and the treatment of the scholarships in the revenue producing sports. The question will be whether the athletic scholarship in a revenue producing sport is a necessary expense of the sport, as is the equipment, or represents unrestricted aid which could be applied to other sports.

Unfortunately, Gentlemen, when you define, as we do, a revenue sport as one which not only earns income but earns a net which can be applied to other sports, the scholarship becomes a very necessary expense. This being the case we, and similar institutions, will continue to seek clarification of Section 86.37(c).

My final exhibit shows the impact on Penn State, which is not atypical of many major institutions, or two possible interpretations of this section.

Including, or excluding, the revenue producing football scholarships from the rule of proportions produces a difference of thirty (at a current dollar value of from $60,000 to $70,000 per year) in the required number of scholarships for women. Such a difference is significant, especially in this day of cost cutting in all areas of institutional budgets. The figure of $70,000, for example, represents more than the total combined direct costs of our nationally ranked soccer team for men, our co-ed rifle team, our men's and women's golf teams, and our nationally ranked men's and women's fencing teams.

If we are expected to work with strict proportions, questions will obviously need to be answered on so significant a point. If strict proportions are not the rule, further interpretation might not be as essential.

A few weeks ago I would have proposed a simple interpretation which would exempt participants in those sports which produce net income that supports other sports from the rule of proportions in Section 86.37(c). I have since discussed this potential interpretation with many others and have found it seriously flawed when related to the intent of Title IX. It is flawed in that an institution could limit its grants strictly to revenue producing sports - thereby effectively excluding women and severely limiting the very real future revenue producing potentials of women's sports. A slight addition, however, to the idea of exempting scholarships or grants in revenue producing sports negates the flaw. We would propose, therefore, that an institution be permitted to exclude grants-in-aid or scholarships paid for by revenue in sports which produce revenue beyond their own cost provided that not more than 50% of the total grants or scholarships for sports in the institution could be so exempted.

This, I know, is not a perfect solution. It is, however, a reasonable approach to the problem of Section 86.37(c). It is clear and easy to enforce. It would not only protect the revenue producing capacities of an institution in a reasonable fashion, but would also assure a reasonable opportunity for scholarships or grants for women - and men - in sports which do not produce revenue.

In summary, this testimony has presented three points. First, the pending legislation does not appear to be necessary if Section 86.41 is enforced as written. The final regulations do not deal with the dollar spent, but instead concentrate on the more meaningful measures of outcome and opportunities for students. Second, the pending legislation will require extensive further regulations and complex and unnecessary record keeping and reporting - very possibly leading to a national accounting and reporting system for the total institutional budget of all institutions receiving any amount of revenue or donations from, or for, any type of athletics. Third, the pending legislation not only appears superfluous in light of the final regulations, it does not touch upon the key current problem of those who need to protect revenue producing capabilities - that of Section 86.37(c). Finally, as a part of this third point, I have suggested a possible interpretation of Section 86.37(c) which is reasonably precise, assures opportunity for women and others in non-revenue sports, and which provides reasonable protection to the revenue producing capacities of the programs.

We do not appear to need S. 2106 to meet its intent and we see many potential problems if it is enacted. We do, however, definitely need clarification, hopefully along the lines I have suggested, of Section 86.37(c) of the regulations.

EXHIBIT I

KEY FIGURES FROM PENN STATE
1974-75 ATHLETIC BUDGETS

Total varsity sports income	$3,032,838
Total varsity sports expense	$2,484,488
Total net	$ 548,350
Total football income	$2,994,272
Total football expense	$1,860,870
Football net	$1,133,402
Total income - all other sports	$ 38,566
Total expense - all other sports	$ 623,618
Net - all other sports	$ (585,052)

Notes:

These figures are extracted from a total "athletic" budget slightly in excess of $4,000,000. They include the direct costs (salaries, grants-in-aid, and operational expense, supplies, and materials) of each sport. They do not include general costs of the athletic operation which cannot be attributed to particular sports, such as medical service, golf course and ice rink operations, and general administration.

The football figures include all costs and income directly related to football, such as stadium maintenance, radio network costs and income, programs, and parking.

EXHIBIT II

MEASURES OF EQUAL OPPORTUNITY

Section 86.41(c) Title IX Regulations

1. Interests and abilities of both sexes accommodated
2. Equipment and supplies
3. Scheduling: games and practice
4. Travel and per diem
5. Coaching and academic tutoring
6. Assignment and compensation of coaches and tutors
7. Physical facilities
8. Medical and training facilities
9. Housing and dining
10. Publicity

EXHIBIT III

POSSIBLE INTERPRETATIONS OF SECTION 86.37(c)

TITLE IX REGULATIONS

Example based on the Pennsylvania State University - 1975-76

	Including football	Excluding football
Total men participants	500 (100%)	400 (100%)
Men on athletic scholarships	200 (40%)	100 (25%)
Total women participants	200 (100%)	200 (100%)
Women on athletic scholarships	30 (15%)	30 (15%)
Compliance target for women	80 (40%)	50 (25%)
Necessary addition for compliance	50	20

DIFFERENCE 30 scholarships

approximately $60,000 to $70,00

Note: All figures have been rounded for clarity.

Senator PELL. Do you have any question, Senator Stafford?

Senator STAFFORD. I really have no questions.

I think the testimony of the dean has been very helpful to the subcommittee.

I have listened carefully and I have tried to understand the figures that you have presented, Dean.

I guess it is plain to even a New England lawyer that you apparently have 100 football players on athletic scholarships, and that represents 40 percent of the total men involved in varsity sports and 25 percent of the men involved—well, I do not quite follow this.

One hundred other scholarships, excluding football, represents 25 percent of the rest of the men in varsity athletics?

Mr. SCANNELL. That is right.

If we take this figure, it includes 100 football, both in total and in aid. You will find that most of the schools—well, I have seen some statement not long ago, for instance, that television football has come down to 30 or 40 schools and you will find in those 30 or 40 schools that you do not have very many men participating in football who are not a part of the recruited aid group.

If we take that group out, we drop out 100 from each, and this makes a tremendous difference in proportions.

Senator STAFFORD. I think it is significant that a school like Penn State finds that the proposed legislation is not necessary and may lead to additional problems.

Thank you, Mr. Chairman.

Senator PELL. Thank you.

If you could stay with us, we would like to ask the administration witnesses, Mr. Kurzman and his associates, if they would come forward.

It is very good of you to come.

I realize you are in a difficult position because you are talking about your own regulations here.

As you know, there has been quite an outcry and we felt we had to make this commitment to hold these hearings to hear both sides of the case.

Senator STAFFORD. Could I be indulged to say that I would like to welcome Mr. Kurzman here and to personally apologize to him for the fact that I have a longstanding commitment up in my office, and that I want to assure him that I will leave one of my senior staff people here and I will read the statement personally that you are going to give.

Thank you, Mr. Chairman.

STATEMENT BY HON. STEPHEN KURZMAN, ASSISTANT SECRETARY FOR LEGISLATION FOR THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, ACCOMPANIED BY PETER E. HOLMES, DIRECTOR, OFFICE FOR CIVIL RIGHTS, DHEW; MS. GWENDOLYN GREGORY, DIRECTOR, OFFICE OF POLICY COMMUNICATION, OFFICE FOR CIVIL RIGHTS, DHEW; AND ST. JOHN BARRETT, ACTING GENERAL COUNSEL, DHEW

Mr. KURZMAN. Thank you Senator Stafford and thank you, Mr. Chairman, for your welcome.

We very much appreciate this opportunity to discuss with you S. 2106 and the whole question of revenue producing sports under title IX of the Education Amendments of 1972.

Before going through my statement, I would like to introduce those who are here with me from the Department.

On my immediate right is Mr. Peter Holmes, Director Office for Civil Rights; to his right is Ms. Gwendolyn Gregory, Director, Office of Policy Communication, Office for Civil Rights; and on my left is Mr. St. John Barrett, Acting General Counsel, Department of Health. Education, and Welfare.

In enacting title IX of the Education Amendments of 1972, the Congress established a broad statutory prohibition against discrimination on the basis of sex in any education program or activity receiving Federal financial assistance. While it is clear that the statute covered athletic programs offered by educational institutions, the legislative history of title IX contains little guidance concerning the application of the title IX prohibitions to athletic programs. This is unfortunate because the issue of how title IX should apply in the area of intercollegiate and other athletic activities has drawn more public comment and stirred more controversy than has any other aspect of the regulation.

In drafting an implementing regulation, the Department's primary concern was to carry out the intent of the statute in a manner which would allow educational institutions the maximum flexibility in determining how to meet the requirement of providing equal opportunity in athletic activities. Because it was recognized that some institutions would need to make changes in order to bring their athletic programs into compliance with title IX, the regulation provides a period of up to 3 years for institutions to make necessary adjustments.

The Department considers the title IX regulation a reasonable implementation of the statute which is consistent with the legislative requirements. However, because this is an area in which experience is limited and legislative history scarce, it is appropriate for us to examine fully other approaches to achieving equal opportunity in athletic programs.

In a July 21 letter to the committee, President Ford stated that if better means of achieving equal opportunity in athletic programs are suggested as a result of these hearings, the administration would support perfecting legislation and appropriate adjustments to the current regulation.

It is our hope that these hearings will furnish useful information upon which a judgment can be formed as to the adequacy of the existing approach. Pending review of the information presented in the course of these hearings, the Department will defer offering a position regarding the proposed amendment. However, the bill as presently drafted raises a number of technical questions and considerations which we believe should be brought to the committee's attention.

The amendment would appear to require that, in determining compliance with the requirements of title IX, the Department must not consider expenditures for intercollegiate athletic activties to the extent that those expenditures are derived from revenues produced by that athletic activity. In his remarks on introducing the bill, Senator Tower indicated that the amendment was not intended to apply to revenues produced by a particular sport which are in excess of the amount spent to support that activity. Nor does the amendment apply to any funds provided by an institution out of general funds or student fees to make up the deficit needed to support an activity which does not produce enough revenue to support itself.

The expenditure of any excess and the amount needed to make up any deficit would be fully subject to whatever requirements title IX may impose.

Perhaps the most significant question that should be explored by the committee is how such a provision would be enforced. Because the bill speaks in terms of the "gross receipts" or "donations" provided by a particular activity, the amendment would seem to require the Department, in the course of compliance reviews, to become involved in the intricate budget and accounting operations of an institution. Tracing of funds, therefore, would become the key element in determining the extent of compliance with the statute by an institution.

HEW would have to define and an institution would have to determine the dollar amount of revenues produced by a particular sport which are in excess of the amount expended to support the activity, since the amendment would not exempt the excess revenues.

In addition, an institution would have to determine the extent of funds provided by the institution from general funds or student fees needed to support an activity which is not completely self-sustaining, since the expenditure of these funds would remain subject to the requirements of title IX.

An immediate question which occurs is: What is required in circumstances where an activity is self-sustaining one year and not self-sustaining the succeeding year?

With regard to "gross receipts or donations" of an intercollegiate activity, the same tracing process would be necessary. For example, if an institution's football program generated $1 million of revenue or donations, each of the dollars would require marking so that its expenditure could be traced.

The Department has, heretofore, sought to avoid setting standards or using administrative enforcement methods under which title IX would make compliance depend upon financial analyses, reviews of athletic budgets, the flow or earmarking of funds, and determinations of the equitability of fund distribution, per se, between men's and women's athletic programs. The bill would require us to abandon that position and, instead, require the Department to monitor in detail the financial operations of the Nation's colleges and universities with respect to athletics. We urge careful consideration of this issue.

Another question which should be considered in the approach taken by S. 2106 is the scope of the terms "gross receipts" and "donations." The terms are not defined in the bill. For example, would capital expenditures for the construction of a stadium or fieldhouse fall within the scope of these terms? Unless these terms are clarified, the Department may be required to develop regulations to resolve matters that would more appropriately be handled by legislation.

The amendment contained in S. 2106 would exempt expenditures from gross receipts or donations which are required to support an intercollegiate athletic activity. Under such a provision enforcement of title IX would bring into issue the question of what expenditures are required to support a particular activity, as opposed to being merely desirable.

Does participation by an institution in intercollegiate football "require" a certain number of full scholarships, room and board, equipment, facilities, and similar expenditures? These are questions which are now being debated among colleges and universities, but for which no legislative guidance is available. It is doubtful whether these issues can or should be resolved through either legislation or administrative regulation.

Another ambiguity in S. 2106 is the degree to which the amendment would permit an institution to choose which "activity" or activities of its intercollegiate athletic program will be exempt from title IX. Presumably an institution could choose to assign or allocate the gate receipts or other revenues from an athletic activity to particular types of expenditures—such as athletic scholarships or grants-in-aid. If all of the athletic scholarships at a school are awarded in those sports which produce revenues and are covered by allocated gross receipts or donations, the amendment might be read as obviating the school's obligation to provide any athletic scholarships for women. Moreover, by permitting the exemption of certain categories of expenditures for athletic activities at the collegiate level, women at that level might be left with lesser opportunities than at the secondary level, which is not covered by the amendment.

Finally, the premise of the bill under consideration is that impairment of the financial base of a revenue-producing activity threatens not only the continued viability of that activity but the viability of an entire athletic program. No conclusive evidence has been established to support this argument. Therefore, it is important to elicit current information, undertaken pursuant to refined and systematic examination, regarding the financial base of intercollegiate athletics.

The Department recognizes that these issues are complex and we are unfortunately without the benefit of prior or transferable experience. In an effort to explain and clarify further the nondiscriminatory requirements of title IX, the Department has issued a memorandum on the "Elimination of Sex Discrimination in Athletic Programs" to all educational institutions receiving Federal financial assistance.

Mr. Chairman, I would offer that for the record if you would accept it.

Senator **Pell**. It will be inserted in the record.

Mr. **Kurzman**. This memorandum provides additional guidance on various issues relating to athletics and athletic scholarships under the present title IX regulation.

The memorandum discusses the 3-year adjustment period, during which time institutions will work with their faculty and student body to develop a nondiscriminatory athletics and athletic program. It gives suggestions as to how institutions may evaluate their policies and practices in order to determine compliance problems in the institutions which should be corrected during the adjustment period.

The memorandum attempts to array some concerns which have been expressed regarding athletic scholarships, stressing the concept of "reasonableness" in awarding athletic scholarships to men and women students.

The Department has sought in the memorandum to stress that it does not intend to impose quotas or fixed percentage of any type but intends to maintain the flexibility necessary for each institution to develop its own athletics program, keeping in mind that the total program for men and women should insure members of each sex an equal opportunity to compete in athletics in a meaningful way.

These considerations demonstrate the complexity of providing the kind of exemption to title IX proposed in S. 2106. Nevertheless, we want to reemphasize the President's statement in his letter of July 21, that if the hearings on S. 2106 suggest better approaches to achieving equal opportunity in athletic programs, we would support perfecting legislation and appropriate adjustments to the title IX regulations.

I would be happy at this point, Mr. Chairman, also to offer that letter from the President to the committee for the record, if it is not already in the record.

Senator **Pell**. Without objection, that letter will be included in the record.

Mr. **Kurzman**. Thank you, Mr. Chairman.

My colleagues and I will be happy to respond to any questions you may have.

Senator **Pell**. If I hear you correctly you would prefer that no action was taken, but you do not want to be billed as having given that recommendation.

Mr. **Kurzman**. If I may restate that, I think we will want to see what is produced at these hearings.

Of course, as we know, the subcommittee will be studying the testimony that you have already heard, and the testimony which you will receive during the 2-week period that you offered, when you opened the hearings on Tuesday.

At this point, I think our statement stands for itself. We do not see that the premise has been established that intercollegiate athletics will be put out of business.

Senator **Pell**. Also, there is a 3-year period before the law takes full effect, so the schools have a considerable amount of time to adopt the new policies.

Mr. **Kurzman**. That is correct.

Senator **Pell**. So there is no great pressure of time on this, and any changes that were needed could be worked into legislation in the future.

Mr. **Kurzman**. That is correct.

Senator **Pell**. No great harm in leaving them as they are.

I would like to ask Dean Scannell if he can come forward to explain his problem more clearly.

Mr. **Kurzman**. Could I add one other point first?

We have issued the guidelines, referred to in the President's letter, to give greater specificity in this area. Regrettably, the guidelines were issued just as these hearings were opening.

We hope the guidelines will receive enough distribution so that in the coming weeks many questions regarding obligations of educational institutions will be answered.

This is a major need. With the uncertainty and controversy concerning the title IX regulation, particularly as to athletics and athletic scholarships, it is important that universities know what is expected of them.

I am sorry to interrupt you. It is a new element.

Senator **Pell**. The subcommittee would be willing to extend the period for further statements in the record for up to 4 weeks instead of the customary 2. That might give more of an opportunity for this germination to take place.

Would that seem a good idea to you?

Mr. **Kurzman**. That seems excellent, Mr. Chairman.

Senator **Pell**. Fine.

The hearing record will be held open for a 4-week period to take note of any further viewpoints or statements.

Could Dean Scannell come forward and bring a chair to the table and explain the third point on proportion. Did I understand you to say that if your interpretation of regulations is correct, that it would not cause you a problem?

But if your interpretation is incorrect, then you believe the regulation should be changed?

Maybe you could throw that question at the administration.

Am I correct in my understanding of what you said?

Mr. **Scannell**. Yes, I think.

In some ways I have raised the question, using the Penn State example, but on the other hand, the principle is what I am after, rather than specific numbers.

Senator **Pell**. Exactly.

It should be kept in generic terms, not specific.

Mr. **Scannell**. The point, based on a quick reading of this set of guidelines which I was just handed a moment ago, may be answered.

I would have to reserve comment until I go back and read it fully.

It appears to have answered my question. Whether it will answer the question to the satisfaction of some individuals or some programs that are operating in somewhat different environments than ours, or schools where you have a completely separate women's program and men's program that have to battle with each other for the dollar, without any individual short of the President to answer for the situation is a question. I think, for my purposes, this will answer it.

But, by using the chart [indicating]—you may not have been able to see this—this is what I get from a reading of the regulations as printed, where the emphasis is on proportionality.

Now, as I read this, the emphasis is on reason.

The figures become a contestable point, really. If an individual feels that an institution has not made a reasonable approach, whether they are ending up with about 80, 50, 70, or 10, that this would be a contestable point which would probably end up in court. We would not be in a situation where, regardless of all other circumstances, you must count heads. Say, OK, there are this many participants and that means that many have to get aid.

If that is a correct interpretation or correct reiteration of what it is saying here, my quick reaction is that my objection is pretty well answered.

Mr. **Kurzman**. Can I respond?

I think your interpretation is correct.

That is the purpose of the guidelines. It does put the emphasis on reasonableness and takes into consideration of other factors, other than sheer numbers.

We are not, as the guidelines state, looking at a strict proportionality or quota or fixed percentage.

We are looking at the entire situation of an institution, taking into account all factors.

In fact, we even give an example, of other ways in which athletic scholarships could be distributed among men and women which would take you entirely away from the numbers.

So we very much agree with your interpertation and hope it will satisfy the concerns.

Senator **Pell**. I appreciate that exchange very much.

I have another question I would like to raise again with Dean Scannell.

I was a little bit startled to see the proportion of people in your sports programs who receive athletic scholarships.

Do you give more than other institutions of your same size?

Mr. **Scannell**. No, sir.

You will notice, for example, that the University of Texas figure was 216. Ours is, depending again on how you count an individual when you split a grant or a scholarship, about the same—we are about the same figure.

There are probably at least 50 or 60 institutions in the country that are at that level or higher in numbers and proportions.

Senator **Pell**. That means you give a total in your university of about 250 athletic scholarships to all kinds of sports?

Mr. **Scannell**. That is right, sir.

Senator **Pell**. And the University of Texas would be the same thing, about 250?

Ms. **Lopiano**. 226 for all sports, men and women.

Senator **Pell**. How many of those would be men and how many women?

Ms. **Lopiano**. 216 men and 10 would be the women.

Senator **Pell**. And Pennsylvania State University?

Mr. **Scannell**. In our case, 30 women this year.

We have to remember, as we look at comparative figures of women on aid, that there is a time lapse here regardless of your intent or goal. Until 2 years ago the national competitive rules of the AIAW prohibited a girl from receiving aid, so that unless you wanted to go—if we set a goal of 50—unless we wanted to move 50 in one year, which even the most aggressive of our coaches are opposed to, there's no way you can find any approach to equality at this stage.

The question is, Where is the school planning to go?

What happened last year and what is going to happen next year?

Senator **Pell**. Where does this money come from?

Is it from loyal alumnae, general student fees, or where?

Mr. **Scannell**. In our case, about one-half of the total bill is coming out of the revenue.

Senator **Pell**. General revenue?

Mr. **Scannell**. No, athletic gate.

The other half is coming from loyal alumnae and others, from a fund which is earmarked for athletic scholarships.

It is not earmarked for men and women.

Senator **Pell**. Nothing out of student fees?

Mr. **Scannell**. No.

Senator **Pell**. At the University of Texas, where does the money come from?

Ms. LOPIANO. The women's scholarships, well, it is a presidential gift, and it is not appropriated moneys.

It is university moneys.

Men's scholarships come from various sources, none of which are university funds, per se. In the men's budget there is $250,000 in voluntary alumnae contributions, which is not specified as to how it should be used.

So it may come from revenues, it may come from donations.

Senator PELL. As a general rule, would it be correct to say, I want to know for my own information, that athletic scholarships are usually not paid for out of the general revenue of the institutions?

Mr. SCANNELL. In the public sector, in many States, there would be a prohibiting clause in the annual budgetary act of the institution, preventing any use of the so-called general funds of the institution to support athletic—well, in many cases, support any sort of intercollegiate athletic scholarships.

Senator PELL. Would the number of athletic scholarships be proportionately the same in private institutions, in your field?

Mr. SCANNELL. If we are talking about the Notre Dames and the Ivy Leagues, yes.

Again, you are going to get into definitional problems, where does the varsity stop and the club begin?

Senator PELL. And service academies, how do they handle that?

Mr. SCANNELL. All of those young people are, of course, full scholarships.

Senator PELL. Taxpayers pay for that.

Mr. SCANNELL. You and I are paying for that.

Senator PELL. Yes.

Ms. LOPIANO. It should be noted that indirectly they are supported through public funds in that alumnae donations are tax-exempt. So those revenues, potential revenues, on that money that they donated are not available to the public anymore, so indirectly they are.

Mr. SCANNELL. That is correct.

You can take it a step further.

As I heard someone allude to in the testimony this morning, in the case of both of our institutions, where we are State institutions with appropriations, every figure that anyone has seen indicates that tuition paid somewhere between a third and a half of the total cost of educating the young man or young woman. The scholarship meets only the direct expenses which normally are passed on to the student.

It does not meet total cost of educating a student.

Senator PELL. I thank you.

Mr. Kurzman, would you send us in writing your views of the definitions that are used in the Tower bill.

I realize you raised the question in this regard in your testimony. We would be interested in your reaction as to what those definitions mean.

Mr. KURZMAN. We will be happy to provide what we can. We may only be able to say this is ambiguous, it is either "A" or "B".

Senator PELL. What about the allegation that passages of the Tower bill would perpetuate the very inequities that title IX was enacted to eliminate, that is, unequal treatment by sex in the area of athletics?

Do any of you have any thoughts on this question?

In other words, if the Tower bill is passed, will the present inequities continue?

Mr. **Kurzman**. We have alluded to a possibility along those lines in what we said.

If one effect would be for schools to be permitted, let us say, to divert all their revenues and donations to a particular sport in such a way that that entire activity turned out to be exempt from title IX, then it could under some circumstances amount to a denial to women of an opportunity to participate in that sport.

So I think there is that risk under certain interpretations and depending on how it were treated by institutions.

I think our statement does address that, Mr. Chairman.

[The prepared statement of Mr. Kurzman and other information referred to follows:]

FOR RELEASE UPON DELIVERY

STATEMENT BY
HONORABLE STEPHEN KURZMAN
ASSISTANT SECRETARY FOR LEGISLATION
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
BEFORE THE
SUBCOMMITTEE ON EDUCATION
COMMITTEE ON LABOR AND PUBLIC WELFARE
UNITED STATES SENATE
Thursday, September 18, 1975
10:00 a.m.

Mr. Kurzman is accompanied by:

Mr. Peter E. Holmes, Director, Office for Civil Rights, DHEW

Ms. Gwendolyn Gregory, Director, Office of Policy Communications, Office for Civil Rights, DHEW

Mr. St. John Barrett, Acting General Counsel, DHEW

Mr. Chairman and Members of the Subcommittee:

I appreciate the opportunity to discuss with you S. 2106, and the question of revenue-producing sports under title IX of the Education Amendments of 1972.

In enacting title IX of the Education Amendments of 1972, the Congress established a broad statutory prohibition against discrimination on the basis of sex in any education program or activity receiving Federal financial assistance. While it is clear that the statute covered athletic programs offered by educational institutions, the legislative history of title IX contains little guidance concerning the application of the title IX prohibitions to athletic programs. This is unfortunate because the issue of how title IX should apply in the area of intercollegiate and other athletic activities has drawn more public comment and stirred more controversy than has any other aspect of the regulation.

In drafting an implementing regulation, the Department's primary concern was to carry out the intent of the statute in a manner which would allow educational institutions the maximum flexibility in determining how to meet the requirement of providing equal opportunity in athletic activities. Because it was recognized that some institutions would need to make changes in order to bring their athletic programs into compliance with title IX, the regulation provides a period of up to three years for institutions to make necessary adjustments.

The Department considers the title IX regulation a reasonable implementation of the statute which is consistent with the legislative requirements. However, because this is an area in which experience is limited and legislative history scarce, it is appropriate for us to examine fully other approaches to achieving equal opportunity in athletic programs. In a July 21 letter to the Committee, President Ford stated that if better means of achieving equal opportunity in athletic programs are suggested as a result of these hearings, the Administration would support perfecting legislation and appropriate adjustments to the current regulation.

It is our hope that these hearings will furnish useful information upon which a judgment can be formed as to the adequacy of the existing approach. Pending review of the information presented in the course of these hearings, the Department will defer offering a position regarding the proposed amendment. However, the bill as presently drafted raises a number of technical questions and considerations which we believe should be brought to the Committee's attention.

The amendment would appear to require that, in determining compliance with the requirements of title IX, the Department must not consider expenditures for intercollegiate athletic activities to the extent that those expenditures are derived from revenues produced by that athletic activity. In his remarks on introducing the bill, Senator Tower indicated that the amendment was not intended to apply to revenues produced by a particular sport which are in excess of the amount spent to support that activity. Nor does the amendment apply to any funds provided by an institution out of general funds or student fees to make up the deficit needed to support an activity which does not produce enought revenue to support itself. The expenditure of any such excess and the amount needed to make up any deficit would be fully subject to whatever requirements title IX may impose.

Perhaps the most significant question that should be explored by the Committee is how such a provision would be enforced. Because the bill speaks in terms of the "gross receipts" or "donations" provided by a particular activity, the amendment would seem to require the Department, in the course of compliance reviews, to become involved in the intricate budget and accounting operations of an institution. Tracing of funds, therefore, would become the key element in determining the extent of compliance with the statute by an institution. HEW would have to define and an institution would have to determine the dollar amount of revenues produced by a particular sport which are in excess of the amount expended to support the activity, since the amendment would not exempt the excess revenues. In addition, an institution would have to determine the extent of funds provided by the institution from general funds or student fees needed to support an activity which is not completely self-sustaining, since the expenditure of these funds would remain subject to the requirements of title IX. An immediate question which occurs is: What is required in circumstances where an activity is self-sustaining one year and not self-sustaining the succeeding year?

With regard to "gross receipts or donations" of an intercollegiate activity, the same tracing process would be necessary. For example, if an institution's football program generated $1 million of revenue or donations, each of the dollars would require marking so that its expenditure could be traced.

The Department has heretofore sought to avoid setting standards or using administrative enforcement methods under which title IX would make compliance depend upon financial analyses, reviews of athletic budgets, the flow or earmarking of funds, and determinations of the equitability of fund distribution, per se, between men's and women's athletic programs. The bill would require us to abandon that position and instead require the Department to monitor in detail the financial operations of the Nation's colleges and universities with respect to athletics. We urge careful consideration of this issue.

Another question which should be considered in the approach taken by S. 2106 is the scope of the terms "gross receipts" and "donations". The terms are not defined in the bill. For example, would capital expenditures for the construction of a stadium or field house fall within the scope of these terms? Unless these terms are clarified, the Department may be required to develop regulations to resolve matters that would more appropriately be handled by legislation.

The amendment contained in S. 2106 would exempt expenditures from gross receipts or donations which are "required" to support an intercollegiate athletic activity. Under such a provision enforcement of title IX would bring into issue the question of what expenditures are required to support a particular activity, as opposed to being merely desirable.

Does participation by an institution in intercollegiate football "require" a certain number of full scholarships, room and board, equipment, facilities, and similar expenditures? These are questions which are now being debated among colleges and universities, but for which no legislative guidance is available. It is doubtful whether these issues can or should be resolved through either legislation or administrative regulation.

Another ambiguity in S. 2106 is the degree to which the amendment would permit an institution to choose which "activity" or activities of its intercollegiate athletic program will be exempt from title IX. Presumably an institution could choose to assign or allocate the gate receipts or other revenues from an athletic activity to particular types of expenditures (such as athletic scholarships or grants-in-aid). If all of the athletic scholarships at a school are awarded in those sports which produce revenues and are covered by allocated gross receipts or donations, the amendment might be read as obviating the school's obligation to provide any athletic scholarships for women. Moreover, by permitting the exemption of certain categories of expenditures for athletic activities at the collegiate level, women at that level might be left with lesser opportunities than at the secondary level, which is not covered by the amendment.

Finally, the premise of the bill under consideration is that impairment of the financial base of a revenue-producing activity threatens not only the continued viability of that activity but the viability of an entire athletic program. No conclusive evidence has been established to support this argument. Therefore, it is important to elicit current information, undertaken pursuant to refined and systematic examination, regarding the financial base of intercollegiate athletics.

The Department recognizes that these issues are complex and we are unfortunately without the benefit of prior or transferable experience. In an effort to explain and clarify further the nondiscriminatory requirements of title IX, the Department has issued a memorandum on the "Elimination of Sex Discrimination in Athletic Programs" to all educational institutions receiving Federal financial assistance. This memorandum provides additional guidance on various issues relating to athletics and athletic scholarships under the present title IX regulation.

The memorandum discusses the 3 year adjustment period, during which time institutions will work with their faculty and student body to develop a non-discriminatory athletics and athletic program. It gives suggestions as to how institutions may evaluate their policies and practices in order to determine compliance problems in the institutions which should be corrected during the adjustment period.

The memorandum attempts to allay some concerns which have been expressed regarding athletic scholarships, stressing the concept of "reasonableness" in awarding athletic scholarships to men and women students.

The Department has sought in the memorandum to stress that it does not intend to impose quotas nor fixed percentages of any type but intends to maintain the flexibility necessary for each institution to develop its own athletics program keeping in mind that the total program for men and women should ensure members of each sex an equal opportunity to compete in athletics in a meaningful way.

These considerations demonstrate the complexity of providing the kind of exemption to title IX proposed in S. 2106. Nevertheless, we want to reemphasize the President's statement in his letter of July 21, that if the hearings on S. 2106 suggest better approaches to achieving equal opportunity in athletic programs, we would support perfecting legislation and appropriate adjustments to the title IX regulations.

I will be happy to respond to any questions you may have.

Thank you.

MEMORANDUM
TO

Chief State School Officers, Superintendents of Local Educational Agencies and College and University Presidents

SUBJECT:

ELIMINATION OF SEX DISCRIMINATION IN ATHLETIC PROGRAMS

September, 1975

U. S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE/Office for Civil Rights

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20201

September 1975

TO: Chief State School Officers, Superintendents of Local Educational Agencies and College and University Presidents

FROM: Director, Office for Civil Rights

SUBJECT: Elimination of Sex Discrimination in Athletic Programs

Title IX of the Education Amendments of 1972 and the Departmental Regulation (45 CFR Part 86) promulgated thereunder prohibit discrimination on the basis of sex in the operation of most federally-assisted education programs. The regulation became effective on July 21, 1975.

During the forty-five day period immediately following approval by the President and publication of the regulation on June 4, 1975, concerns were raised about the immediate obligations of educational institutions to comply with certain sections of the Departmental Regulation as they relate to athletic programs. These concerns, in part, focus on the application of the adjustment period provision (86.41 (d)) to the various non-discrimination requirements, and additionally, on how educational institutions can carry out the self-evaluation requirement (86.3(c)).

This memorandum provides guidance with respect to the major first year responsibilities of an educational institution to ensure equal opportunity in the operation of both its athletic activities and its athletic scholarship programs. Practical experience derived from actual on-site compliance reviews and the concomitant development of greater governmental expertise on the application of the Regulation to athletic activities may, of course, result in further or revised guidance being issued in the future. Thus, as affected institutions proceed to conform their programs with the Department's regulation, they and other interested persons are encouraged to review carefully the operation of these guidelines and to provide the Department with the benefit of their views.

Basic Requirements

There are two major substantive provisions of the regulation which define the basic responsibility of educational institutions to provide equal opportunity to members of both sexes interested in participating in the athletics programs institutions offer.

Section 86.41 prohibits discrimination on the basis of sex in the operation of any interscholastic, intercollegiate, club or intramural athletic program offered by an educational institution. Section 86.37(c) sets forth requirements for ensuring equal opportunity in the provision of athletic scholarships.

These sections apply to each segment of the athletic program of a federally assisted educational institution whether or not that segment is the subject of direct financial support through the Department. Thus, the fact that a particular segment of an athletic program is supported by funds received from various other sources (such as student fees, general revenues, gate receipts, alumni donations, booster clubs, and non-profit foundations) does not remove it from the reach of the statute and hence of the regulatory requirements. However, drill teams, cheerleaders and the like, which are covered more generally as extracurricular activities under section 86.31, and instructional offerings such as physical education and health classes, which are covered under section 86.34, are not a part of the institution's "athletic program" within the meaning of the regulation.

Section 86.41 does not address the administrative structure(s) which are used by educational institutions for athletic programs. Accordingly, institutions are not precluded from employing separate administrative structures for men's and women's sports (if separate teams exist) or a unitary structure. However, when educational institutions evaluate whether they are in compliance with the provisions of the regulation relating to non-discrimination in employment, they must carefully assess the effects on employees of both sexes of current and any proposed administrative structure and related coaching assignments. Changes in current administrative structure(s) or coaching assignments which have a disproportionately adverse effect on the employment opportunities of employees of one sex are prohibited by the regulation.

Self-Evaluation and Adjustment Periods

Section 86.3(c) generally requires that by July 21, 1976, educational institutions (1) carefully evaluate current policies and practices (including those related to the operation of athletic programs) in terms of compliance with those provisions and (2) where such policies or practices are inconsistent with the regulation, conform current polices and practices to the requirements of the regulation.

An institution's evaluation of its athletic program must include every area of the program covered by the regulation. All sports are to be included in this overall assessment, whether they are contact or non-contact sports.

With respect to athletic programs, section 86.41 (d) sets specific time limitations on the attainment of total conformity of institutional policies and practices with the requirements of the regulation—up to one year for elementary schools and up to three years for all other educational institutions.

Because of the integral relationship of the provision relating to athletic scholarships and the provision relating to the operation of athletic programs, the adjustment periods for both are the same.

The adjustment period is not a waiting period. Institutions must begin now to take whatever steps are necessary to ensure full compliance as quickly as possible. Schools may design an approach for achieving full compliance tailored to their own circumstances; however, self-evaluation, as required by section 86.3 (c) is a very important step for every institution to assure compliance with the entire Title IX regulation, as well as with the athletics provisions.

Required First Year Actions

School districts, as well as colleges and universities, are obligated to perform a self-evaluation of their entire education program, including the athletics program, prior to July 21, 1976. School districts which offer interscholastic or intramural athletics at the elementary school level must immediately take significant steps to accommodate the interests and abilities of elementary school pupils of both sexes, including steps to eliminate obstacles to compliance such as inequities in the provision of equipment, scheduling and the assignment of coaches and other supervisory personnel. As indicated earlier, school districts must conform their total athletic program at the elementary level to the requirements of section 86.41 no later than July 21, 1976.

In order to comply with the various requirements of the regulation addressed to nondiscrimination in athletic programs, educational institutions operating athletic programs above the elementary level should:

(1) Compare the requirements of the regulation addressed to nondiscrimination in athletic programs and equal opportunity in the provision of athletic scholarships with current policies and practices;

(2) Determine the interests of both sexes in the sports to be offered by the institution and, where the sport is a contact sport or where participants are selected on the basis of competition, also determine the relative abilites of members of each sex for each such sport offered, in order to decide whether to have single sex teams or teams composed of both sexes. (Abilities might be determined through try-outs or by relying upon the

knowledge of athletic teaching staff, administrators and athletic conference and league representatives.)

(3) Develop a plan to accommodate effectively the interests and abilities of both sexes, which plan must be fully implemented as expeditiously as possible and in no event later than July 21, 1978. Although the plan need not be submitted to the Office for Civil Rights, institutions should consider publicizing such plans so as to gain the assistance of students, faculty, etc. in complying with them.

Assessment of Interests and Abilities

In determining student interests and abilities as described in (2) above, educational institutions as part of the self-evaluation process should draw the broadest possible base of information. An effort should be made to obtain the participation of all segments of the educational community affected by the athletics program, and any reasonable method adopted by an institution to obtain such participation will be acceptable.

Separate Teams

The second type of determination discussed in (2) above relates to the manner in which a given sports activity is to be offered. Contact sports and sports for which teams are chosen by competition may be offered either separately or on a unitary basis.

Contact sports are defined as football, basketball, boxing, wrestling, rugby, ice hockey and any other sport the purpose or major activity of which involves bodily contact. Such sports may be offered separately.

If by opening a team to both sexes in a contact sport an educational institution does not effectively accommodate the abilities of members of both sexes (see 86.41(c) (1)), separate teams in that sport will be required if both men and women express interest in the sport and the interests of both sexes are not otherwise accommodated. For example, an institution would not be effectively accommodating the interests and abilities of women if it abolished all its women's teams and opened up its men's teams to women, but only a few women were able to qualify for the men's team.

Equal Opportunity

In the development of the total athletic program referred to in (3) above, educational institutions, in order to accommodate effectively the interests and abilities of both sexes, must ensure that equal opportunity exists in both the conduct of athletic programs and the provision of athletic scholarships.

Section 86.41(c) requires equal opportunity in athletic programs for men and women. Specific factors which should be used by an educational institution during its self-evaluative planning to determine whether equal opportunity exists in its plan for its total athletic program are:

--the nature and extent of the sports programs to be offered (including the levels of competition, such as varsity, club, etc.);

--the provision of equipment and supplies;

--the scheduling of games and practice time;

--the provision of travel and per diem allowances;

--the nature and extent of the opportunity to receive coaching and academic tutoring;

--the assignment and compensation of coaches and tutors;

--the provision of locker rooms, practice and competitive facilities;

--the provision of medical and training facilities and services;

--the provision of housing and dining facilities and services;

--the nature and extent of publicity.

Overall Objective

The point of the regulation is not to be so inflexible as to require identical treatment in each of the matters listed under section 86.41(c). During the process of self-evaluation, institutions should examine all of the athletic opportunities for men and women and make a determination as to whether each has an equal opportunity to compete in athletics in a meaningful way. The equal opportunity emphasis in the regulation addresses the totality of the athletic program of the institution rather than each sport offered.

Educational institutions are not required to duplicate their men's program for women. The thrust of the effort should be on the contribution of each of the categories to the overall goal of equal opportunity in athletics rather than on the details related to each of the categories.

While the impact of expenditures for sex identifiable sports programs should be carefully considered in determining whether equal opportunity in athletics exists for both sexes, equal aggregate expenditures for male and female teams are not required. Rather, the pattern of expenditures should not result in a disparate effect on opportunity. Recipients must not discriminate on the basis of sex in the provision of necessary equipment, supplies, facilites, and publicity for sports programs. The fact that differences in expenditures may occur because of varying costs attributable to differences in equipment requirements and levels of spectator interest does not obviate in any way the responsibility of educational institutions to provide equal opportunity.

Athletic Scholarships

As part of the self-evaluation and planning process discussed above, educational institutions must also ensure that equal opportunity exists in the provision of athletic scholarships. Section 86.37(c) provides that "reasonable opportunities" for athletic scholarships should be "in proportion to the number of students of each sex participating in interscholastic or intercollegiate athletics."

Following the approach of permitting separate teams, section 86.37(c) of the regulation permits the overall allocation of athletic scholarships on the basis of sex. No such separate treatment is permitted for non-athletic scholarships.

The thrust of the athletic scholarship section is the concept of reasonableness, not strict proportionality in the allocation of scholarships. The degree of interest and participation of male and female students in athletics is the critical factor in determining whether the allocation of athletic scholarships conforms to the requirements of the regulation.

Neither quotas nor fixed percentages of any type are required under the regulation. Rather, the institution is required to take a reasonable approach in its award of athletic scholarships, considering the participation and relative interests and athletic proficiency of its students of both sexes.

Institutions should assess whether male and female athletes in sports at comparable levels of competition are afforded approximately the same opportunities to obtain scholarships. Where the sports offered or the levels of competition differ for male and female students, the institution should assess its athletic scholarship program to determine whether overall opportunities to receive athletic scholarships are roughly proportionate to the number of students of each sex participating in intercollegiate athletics.

If an educational institution decides not to make an overall proportionate allocation of athletic scholarships on the basis of sex, and thus, decides to award such scholarships by other means such as applying general standards to applicants of both sexes, institutions should determine whether the standards used to award scholarships are neutral, i.e. based on criteria which do not inherently disadvantage members of either sex. There are a number of "neutral" standards which might be used including financial need, athletic proficiency or a combination of both. For example, an institution may wish to award its athletic scholarships to all applicants on the basis of need after a determination of a certain level of athletic proficiency. This would be permissable even if it results in a pattern of award which differs from the relative levels of interests or participation of men and women students so long as the initial determination of athletic proficiency is based on neutral standards. However, if such standards are not neutral in substance or in application then different standards would have to be developed and the use of the discriminatory standard discontinued. For example, when "ability" is used as a basis for scholarship award and the range of ability in a particular sport, at the time, differs widely between the sexes, separate norms must be developed for each sex.

Availability of Assistance

We in the Office for Civil Rights will be pleased to do everything possible to assist school officials to meet their Title IX responsibilities. The names, addresses and telephone numbers of Regional Offices for Civil Rights are attached.

Peter E. Holmes

Region I (Connecticut, Maine, Massachusetts, New
Hampshire, Rhode Island, Vermont):
RKO General Building
Bulfinch Place
Boston, Massachusetts 02114
(617) 223-6397

Region II (New Jersey, New York, Puerto Rico,
Virgin Islands):
26 Federal Plaza
New York, New York 10007
(212) 264-4633

Region III (Delaware, D.C., Maryland, Pennsylvania,
Virginia, West Virginia):
Gateway Building
3535 Market Street
Philadelphia, Pennsylvania 19104
(215) 596-6772

Region IV Alabama, Florida, Georgia, Kentucky,
Mississippi, North Carolina, South Carolina, Tennessee):
50 Seventh Street, N.E.
Atlanta, Georgia 30323
(404) 526-3312

Region V (Illinois, Indiana, Minnesota, Michigan,
Ohio, Wisconsin):
300 S. Wacker Drive
Chicago, Illinois 60606
(312) 353-7742

Region VI (Arkansas, Louisiana, New Mexico, Oklahoma, Texas):
1114 Commerce Street
Dallas, Texas 75202
(214) 749-3301

Region VII (Iowa, Kansas, Missouri, Nebraska):
Twelve Grand Building
1150 Grand Avenue
Kansas City, Missouri 64106
(816) 374-2474

Region VIII (Colorado, Montana, North Dakota, South
Dakota, Utah, Wyoming):
Federal Building
1961 Stout Street
Denver, Colorado 80202
(303) 837-2025

Region IX (Arizona, California, Hawaii, Nevada):
Phelan Building
760 Market Street
San Francisco, California 94102
(415) 556-8586

Region X (Alaska, Idaho, Oregon, Washington):
Arcade Plaza Building
1321 Second Avenue
Seattle Washington 98101
(206) 442-0473

U.S. DEPARTMENT OF
HEALTH, EDUCATION, AND WELFARE
Office for Civil Rights
Washington, D.C. 20201—(202) 245-6700

THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE
WASHINGTON, D.C. 20201

OCT 20 1975

Honorable Claiborne Pell
Chairman, Subcommittee on Education
Committee on Labor and Public Welfare
United States Senate
Washington, D. C. 20510

Dear Mr. Chairman:

In his letter of July 21 to Members of Congress concerning the regulation to implement Title IX of the Education Amendments of 1972, President Ford stated that he had requested the Department to give further guidance on the athletic section of the regulation.

We have proceeded to develop such guidance in the form of the enclosed memorandum which the Office for Civil Rights is sending to school and college administrators and athletic directors. A copy is enclosed. We hope it will prove helpful in clarifying the provisions of the regulation.

Cordially,

David Mathews
Secretary

Enclosure

THE WHITE HOUSE
WASHINGTON

JUL 21 1975

Dear Mr. Chairman:

The Congress, in enacting Title IX of the Education Amendments of 1972, established a broad statutory prohibition against sex discrimination in any education program or activity receiving Federal financial assistance. The Regulation issued by the Department of Health, Education, and Welfare as required by Title IX became effective today.

As you know, the Department spent almost three years in developing this Regulation. I personally reviewed it with Secretary Weinberger and received advice from the Department of Justice before approving it, as required by law. Further, the Department transmitted the Regulation to the Congress 45 days prior to its effective date, affording the Congress the opportunity to consider whether it was consistent with Congressional enactments. Congress acquiesced in the Regulation as submitted.

The effect of the Regulation on intercollegiate and other athletic activities has drawn more public comment than has any other aspect. Many believe that the Regulation should not apply to intercollegiate athletic activities. I am advised. however, that this would not be consistent with the law that Congress passed.

I believe that the Regulation which the Department developed and which I approved is a reasonable implementation of the statute. It requires equal opportunities in athletic activities for men and women, but it permits individual schools considerable flexibility in achieving equality of opportunity. Moreover, the adjustment period of up to three years, which applies to secondary and postsecondary athletic programs, should ease the difficulties of transition.

I am concerned, however, with allegations that the Title IX Regulation will destroy intercollegiate activities. I am advised that Senator Tower has introduced a bill which would amend the statute to exempt from coverage certain intercollegiate activities, and that hearings will be held on this measure in early September. I welcome Congressional hearings on this matter.

Athletics are an integral part of the American education process at the primary, secondary and postsecondary levels. Unfortunately, the hearings and floor debates which preceded enactment of Title IX did not provide specific guidance on the application of the principle of equal opportunity to athletic programs. Further Congressional hearings should provide a sound approach to compiling a complete and up-to-date record of the revenues and expenses of athletic programs, and the availability of athletic scholarships or grants-in-aid. If these hearings suggest better approaches to achieving equal opportunity in athletic programs, I would support perfecting legislation and appropriate adjustments to the Regulation.

In the interim, many of the questions and misconceptions concerning application of the Regulation to athletics may be answered or clarified. I have instructed Secretary Weinberger to issue guidelines so they will be available before the beginning of the school year. The guidelines should clarify many erroneous impressions of the effect of the Regulation on athletics while Congress gives this matter its considered judgment during the fall.

Sincerely,

The Honorable Harrison A. Williams
Chairman, Committee on Labor and
Public Welfare
United States Senate
Washington, D.C. 20510

COPY

Senator **Pell**. All right. Thank you very much, indeed, all of you, for your testimony today and for being with us.

The record, as I said earlier, will stay open for 4 weeks for any additional views or comments.

The subcommittee is adjourned.

[Whereupon at 12:15 p.m., the subcommittee was adjourned.]

APPENDIX

TITLE IX:

MOVING TOWARD IMPLEMENTATION

NAPECW

NCPEAM

1

The National Association for Physical Education of College Women
The National College Physical Education Association for Men

BRIEFINGS

TITLE IX:

MOVING TOWARD IMPLEMENTATION

Briefings 1

One of a series of publications
designed to provide preliminary information on topics
of emerging concern for college physical educators

Professional Directions Committee

Neil J. Dougherty—Chairperson
Rutgers University, New Jersey ....NCPEAM

Ginny Studer
State University College at Brockport, New York ....NAPECW

Ronald S. Feingold
Adelphi University, New York ....NCPEAM

Briefings and its sponsoring organizations assume no responsibility for statements or opinions of contributors.

Published by
The National Association for Physical Education of College Women
and
The National College Physical Education Association for Men

Copyright 1975 All rights reserved
Printed in the USA

TABLE OF CONTENTS

Chapter *Page*

I Some Implications of Title IX for Physical Education Programs 1
by Wilma Harrington
Carol E. Gordon

II Establishing Student Interest in Curricula 6
by Sandra F. Vanderstoep

III Viewpoints: Title IX and Intramural Programs 8
by Barry C. Pelton
Carolyn Hewatt
R. T. "Rookie" Dickenson

IV Title IX: An Opportunity for Women: A Solution for Men 14
by Cedric Dempsey

V Teacher Behavior and Attitudes: Is Change Needed? ... 21
by John Cheffers

VI Personnel: Recruitment, Placement, Evaluation 35
by Donna Mae Miller

Appendix 45
by Sandra F. Vanderstoep

Foreword

The question of women's rights, women in sports, and more recently the manifold implications of the Title IX legislation for physical education has been and continues to be a topic of major concern to all physical educators.

In designing this, the first issue of *Briefings*, the members of the Professional Directions Committee and the contributing authors have asked: What specific changes, if any, are likely to be needed as a result of the Title IX legislation? and How can we best adapt ourselves and our programs to bring about these changes? To this end we present *Briefings #1*, "Title IX: Moving Toward Implementation." The authors have been drawn from throughout the country and selected for their expertise and involvement in the development of programs within the guidelines of the Title IX legislation.

—The Editors

Chapter I

SOME IMPLICATIONS OF TITLE IX FOR PHYSICAL EDUCATION PROGRAMS

Wilma Harrington
Washington State University

Carol E. Gordon
Washington State University

The federal guidelines for Title IX of the Education Amendments Act of 1972 have far reaching implications for the majority of institutions offering physical education classes. Whether the classes offered are activity courses or professional preparation courses, the guidelines are specific. Public and private educational institutions which receive federal funding may not discriminate on the basis of sex.

It has been an interesting phenomenon to observe how polarized individuals in the profession have become in their reactions to the guidelines. Title IX has forced many to look critically at certain practices which have been traditional in our field. On the one extreme are those who refuse to admit that there have ever been discriminatory practices in physical education and therefore find the philosophy behind Title IX to be highly irrelevant. The idea of coeducational classes or of equal access to classes for both sexes becomes an object of ridicule rather than a challenging direction which can be taken. On the other extreme are those who are convinced that blatant discrimination has occurred throughout the history of physical education. Whether the steps to be taken to end their perception of discrimination are in the best interest of the majority of students or not becomes a secondary issue. Somewhere between the solutions or non-solutions offered by these extremes lie innovative program reforms which are based on professional knowledge and which will bring the profession into compliance with the moral and legal requirements implied by Title IX.

Discrimination has been interpreted by some to mean that classes may not be divided into male or female activities exclusively. This simple interpretation poses complex problems which need to be explored by physical educators. If we are willing to accept the premise that all individuals have the right to the same advantages offered within our educational system, we are led to the formulation of certain questions regarding methods and procedures which must be answered. Our professional obligation forces us to look beyond the comparatively easy solutions.

Perhaps one of the more prosaic considerations but certainly an essential consideration in the implementation of Title IX is that of enrollment procedures. It is an over-simplification to think that it is possible to end discrimination in curricular offerings by opening up all classes to access by both sexes. There would seem to be no question at this time that the right to have equal access to all classes must be protected. Once this step has been taken, many questions remain unanswered. The following observations are intended to raise some questions regarding basic issues to be considered. Some of the possible ramifications resulting from the publishing of the Title IX guidelines will be explored. The intent is to identify some of the necessary considerations for enrollment procedures and curricular content selection for physical education courses if our profession is to be in the forefront in complying with the intent of the legislation to end discriminatory practices.

In the recent past, students in many schools have had the chance to choose from activities segregated by sex and from those taught in a coeducational framework. Title IX would seem to narrow that choice by eliminating sexually-segregated activities. The provision of equal access to classes raises the question of how those activities which have formerly been designated for men or for women can be combined to challenge and benefit all students? What other ramifications are there if there is no designation (women's physical education or men's physical education) set at the time of registration or class scheduling? Are we in fact limiting a student's choice in other ways by offering an exclusively coeducational experience? Is the right to choose to play basketball with the heavy contact more typical of men's basketball or to choose to play with the limitations on contact more typical of the women's game a meaningful consideration? Is it enough to assume that because a student of one sex or another has not had the experience of playing under the two conditions that they will benefit and prefer the coeducational setting? Is a student's sense of personal privacy violated if only coeducational classes are offered? This is, perhaps, a most relevant question for the secondary school student.

Williard Boyd, President of the University of Iowa, has recommended that offering multi-sectional courses may provide a solution to the problems identified above. Under this concept several sections of a particular course would be offered. The student who wished to participate with only members of his or her sex would have the option to do so. Those students who wished a coeducational experience would be allowed to choose that option. The provision of several sections for a course which allowed for single sex or coeducational enrollment enables the students enrolling in the course to choose the nature of the experience they prefer and at the same time avoids discriminatory practices.

The experience in some schools has been that a lack of definition for courses leads to a higher drop-out rate in classes because indirectly the choice at the time of registration is limited. What do these drop-outs mean? Are they a function of the sexual stereotypes in activity preferences which we have perpetuated? Do they refle[illegible] other dimensions to a degree which cannot be ignored if our curriculum is to meet the needs of the individuals it serves? Have we failed to face up to the possibilities of adjustments within classes to teach to the particular demands of a coeducational situation? Or, conversely, are we creating needless barriers to the enjoyment of activities?

"For all but a few individuals of either sex, sport is a recreation, a part-time enthusiasm, a way of feeling good (Women Sport, 1974: 43)." The preceding quote offers a basic precept that can provide guidance in structuring coeducational classes. The typical student is not enrolled in activity classes to become an accomplished athlete. He or she is concerned with acquiring basic skills necessary for recreational enjoyment of an activity. Therefore, the emphasis and considerations regarding physiological and biomechanical differences which become prime factors in preparing athletes are not an issue. Rather, student needs and expectations should be the primary consideration in determining course goals. The consideration of student needs and interest does not ignore the fact that there may be sexual differences which are important as students are advised in their activity choices. There is also the question of structuring classes in a manner which encourages optimal benefit to the majority of students based on the sexual differences which may exist.

It has been implied that balanced membership of the sexes at registration should be used as a criterion for the success of the non-discrimination extant in a program. Once we have protected the right of the individual to have open access to all classes, how ethical is it to exert pressures either directly or indirectly to correct imbalances in classes? Is the assumption that imbalances will occur unfounded? Does it in fact reflect our own blind spots in predicting what will or will not happen after all students have sufficient experiences in a coeducational situation to overcome the sexual biases of those who have not had those experiences?

We must determine if the differences in the presentation of material to members of one sex or the other are based on sound physiological, psychological and sociological evidence. If there are differences due to sex, then, learning experiences need to be provided which are appropriate for all students involved. If the differences are not scientifically supported, we must determine how course content which has been taught exclusively to one group could best be presented to a coeducational group.

With a little salesmanship, we could provide "catch-up" courses for those who in the past have been denied access to certain types of activity. This would perhaps aid in popularizing certain courses. The "catch-up" experiences could also be essential to the provision of similar background skills for all students enrolled in an activity. This assumes that these "catch-up" experiences would provide individuals the opportunity to participate in an activity with the necessary skills for success.

An additional consideration would involve the provision of fully developed behavioral objectives for each course. These objectives could assist in overcoming sexual stereotypes in the choice of an activity. If students could see in detail what is expected of them, fears may be overcome that there will be expectations that they cannot reach.

The preceding has been concerned with an examination of considerations for teaching the basic skills associated with an activity course. The discrepancies found in the rules of play for men and for women participants of an activity also need attention. We must determine if the variances in the rules are based on legitimate concerns, then some compromise must be reached to account for members of both sexes participating in the same activities in classes. If the distinctions in rules are not based on legitimate differences, it becomes readily apparent that decisions must be made regarding the limitations imposed solely on the basis of the sex of the participant. Both considerations present foreseeable dilemmas. The groups of individuals which make the decisions about rule changes must be capable of forsaking biases and focusing on the needs and capabilities of the participants that will be affected by the rule changes or revisions.

Perhaps there will need to be two sets of standards devised. One for the coeducational recreationally oriented participants and another for the serious athlete. These recommendations are by no means a plea to compromise the competitive nature of certain activities. They are meant to focus on the goals of specific groups choosing to participate in physical activity. The Title IX guidelines specify that student needs should be assessed on a yearly basis. It does not seem unreasonable to use this assessment data as a basis for determining which activities should be considered for change.

It must be noted that most of the suggestions made have been directed toward an elective physical education program. These programs were emphasized because it appeared that a majority of the colleges and universities have moved to this type of activity program. There are also strong indications that this trend is evident in the secondary schools of this country. The institutions which still require specific physical education classes will be faced with a different set of conditions for complying with the federal guidelines.

Compliance with the federal guidelines may act as a limiting factor for those schools with limited staff resources. It could be that course requirements for men and for women differ. This could mean that a subtle form of discrimination is occurring. It might behoove the schools involved to reevaluate their requirement to ensure equal opportunities for students affected by their programs. The offering of a modified elective program might also provide a means of complying with the guidelines.

Summary

Title IX provides a challenge to the profession of physical education to evaluate current practices as to whether they contribute overtly or covertly to the perpetuation of discrimination on the basis of sex. The fact that there has been much heated discussion surrounding the Title IX guidelines by members of the profession is certainly an indication that it is anticipated that some major adjustments may have to be made in procedures which have become traditional. Certainly the assumption is that physical educators will welcome the challenge to comply with the spirit of the legislation. There would seem to be a moral responsibility for educators to end discriminatory practices which is far more important than the current furor about how the legislation is to be implemented. Enrollment procedures and other concomitant practices are a very small part of the total question, although it may be necessary to examine each and every practice if we are to find ways of making appropriate adjustments. It will be an unfortunate reflection on the integrity of the profession if we spend so much time and effort debating whether or not changes are to be made that the basic issue underlying the Education Amendments Act of 1972 becomes lost in the debate.

REFERENCES

1. Adrian, M., "Sex Differences in Biomechanics." Dorothy V. Harris, (ed.), *Women and Sport*, College Park: The Pennsylvania State University, 1972, pp. 389-400.
2. "Block That Myth: Nine Quick Comebacks," *Women Sports*, September, 1974, p. 43.
3. Boyd, W. L., "Boyd Sees Problems, Promise in Federal Rules on Sex Bias," *Spectator*, November, 1974, p. 8.
4. "HEW Publishes Title IX Guidelines in Federal Register," *JOHPER*, September, 1974, pp. 9-10.
5. Schaffer, T. E., "Physiological Considerations of the Female Participant." *Women and Sport*, (ed.) Dorothy V. Harris, College Park: The Pennsylvania State University, 1974, pp. 321-332.

Chapter II

ESTABLISHING STUDENT INTEREST IN CURRICULA

Sandra F. Vanderstoep
S.U.C. at Brockport
State University of New York

The original dictate of Title IX to assess student interest in sport by a referendum conducted annually may well have sent a host of administrators dashing to their drawing boards to engineer a survey which asked students to indicate in which sports they wanted to participate. The resulting piles of unintelligible data would then be "available" for planning athletic programs and physical educational curricula. What does it mean if 1% of the students choose gymnastics or 30% choose billiards? Whether part of the final guidelines or not, such a survey is probably long overdue. Before rushing headlong into the process, plan carefully to avoid compounding the problem by misguided good intentions. Below are listed a few tips to aid your efforts.

1. Yiannakis (1) found that skill is directly related to the number of times you engage in an activity. To determine if students want judo at an instructional level, intramural, or varsity sport, have them indicate how often they would want to play.
2. If you are attempting to determine student interest in sports for a physical education curriculum, allow an unlimited number of sports to be selected. Since a varsity athlete is usually limited to three or four per year, surveys determining varsity program should allow the selection of a limited number of sports. By careful construction these two objectives could be accomplished in a single questionnaire.
3. Conduct two surveys: one a true referendum, the second a controlled sample which would take into consideration sub-groups within the total population e.g. social class, sex, age, and ethnic groups. Information on the student population is frequently available from the department of sponsored research, admissions, or academic counseling (ACE). Compare the findings of the referendum to those of the controlled sample.
4. Consider the possibility of sampling a wider population than only full-time undergraduate students. The enrollment of part-time students is increasing three times faster than full-time students (2). Graduate students too frequently constitute a large

number of disenfranchised students on a campus. In an era of decreasing enrollments and increasing interest in sports participation, inclusion of the sport choices of a wider population is certainly in order.

5. The interpretation of these data is a highly complex task. Percentages of students selecting lacrosse are of little value in program planning. Consideration must be given to the economic background of the students, aspirations, geographic distribution, recent societal changes toward women's sport, increased interest in participation among college students (3) to name but a few. Identification of all critical factors is basic to the establishment of an appropriate program.
6. Develop a process for instituting program changes. Instructional and intramural programs can adapt quite rapidly to meet student interest. One semester of lead time is generally sufficient to institute local changes. Varsity competition is less adaptable due to the more specific skills of the coach and long-term scheduling. Two to three years may be necessary to effect changes in those programs. Long-term consideration must be given to firm conference commitments which severely limit flexibility.
7. Pilot test your data gathering technics. Check them for validity and reliability early in the process. Seek the assistance of educational research offices within your institution. The language and layout of a questionnaire are frequently as critical as the information surveyed.

At present, norms on sport affinity are not available in the published research. Yiannakis (1) inquiry provides the beginning of such an approach. With the thrust of legislative dictate helping to overcome inertia, this appears to be the time to initiate standardized testing of sport affinity at a large number of institutions. Curriculum planners armed with these data could then begin building a program of physical education and athletics which reflect student interest.

REFERENCES

1. Yiannakis, Andrew, "Toward a Theory of Sport Preference." Ann Arbor: University Microfilms, 1970.
2. Hanford, George H., *The Need for and Feasibility of a National Study of Intercollegiate Athletics*. American Council of Education, Washington, D.C.
3. Magarell, Jack, "Students' Massively Discriminated Against." *Chronicle of Higher Education*, July 8, 1974, p. 8.

Chapter III

VIEWPOINTS: TITLE IX AND INTRAMURAL PROGRAMS

Barry C. Pelton
University of Houston

Published materials, whether they be exploratory thinking or prognosis, data yielding or fact finding, should wherever possible supply insights and answers to relevant questions concerning the issues at hand. The following viewpoints are intended to provide, within the aforementioned context, insights to the intramural programs of now and the future.

Some Questions:

Regardless of the final legal nature of Title IX, whom will this legislation affect? According to Casper W. Weinberger, Secretary of the Department of Health, Education and Welfare, it will affect . . . Virtually, among others, all public school systems in the country, and approximately 2,500 post-secondary institutions currently receiving federal funds. . . .

Speculatively, within what groups of professionals has this legislation raised questions? The most apprehension is obviously among physical educators, athletic directors, and athletic coaches, as well as students—both male and female. At different points during the development of this legislative act, each of these professional groups has voiced positive and negative viewpoints as to the ultimate consequence of Title IX (AAHPER, NCAA, AIAW).

VIEWPOINTS: PUT DOWN/HAND OFF/ TAKE THE BALL AND RUN

Carolyn Hewatt
University of Texas, Austin

Who but intramural specialists have the greater experience needed for the implementation of HEW Title IX Guidelines? Since the beginning of the intramural concept, the major criterion for programing has been student interest. Throughout the history of sport, programs and activities have originated in an intramural situation. Intercollegiate, extramural, and purely recreational programs have evolved from intramural departments.

Again this group has the opportunity to lead in charting the directions that school sport programs will follow. The intramural office will be the first place where students' sports interests are heard. Sexually separated activities will continue to be of interest and will meet a need for a segment of the school population. Those students who may or may not select single sex competition will know also that now is the time and intramurals is the place to register such requests. The group that plays weekend volleyball, football, tennis, as well as other sports may appear in the office Monday morning and indicate an interest in a tournament or other competitive structure for their interest.

At this point the ear that hears them may voice the traditional "PUT DOWN"—"We have good programs for men (or women) now. You know that you can always participate in them. That is really all you need."—Another response is "—we have a good men's basketball league and if you girls want to play just go try out—it is certainly open to you! Certainly, young man you can play field hockey; first you must wear a tunic." The second response, "HAND OFF," can also be a typical one for the student to hear. The school that has a strong single sex program for one sex and an unequal or non-existent one for the other may often respond "Now you folks go over to the other department and see what they can do for you—our program is so big and facilities are so tight that we cannot add another team to our program." Unfortunately the other "HAND-OFF" response can be "Now we must work on co-ed classes and intercollegiate programs for women, therefore you intramural participants are going to have to make do."

The third option is the positive response, "Yes, let's identify what you are interested in—and begin to find ways to implement new programs," or "TAKE THE BALL AND RUN." This is the school that may have two strong single sex programs or only one strong program for one sex. Yet interest in starting new programs or expanding existing programs is expressed. This is the school that is still identifying and listening to student needs. This is the program that sees the enormous support that Title IX gives to the total intramural sports programing. Recognizing that an entirely different segment of the school community is requesting new programs and that this segment may or may not have been participating in existing programs, the administration hears the request and begins to initiate its implementation.

Alternatives within the "request structured programing" may include the request that co-ed teams be inserted into existing programs or that different programs be established. If a strong awards system exists in single sex programs and the request indicates an interest in an awards system, then co-ed competition can appropriately be included in the existing program. The same criteria, point system and awards may be provided. With few adjustments, points can be computed on the same basis and can be allocated to existing units of competition in single sex programs.

In all probability the groups requesting co-ed play may desire that no awards system or point system be provided. The groups of students who choose to participate may find the "position of play for the sake of play and competition" and not for the award most satisfying. This is the group that may want to win the game or tournament but not want the "hassle" of an awards system.

Rules may be adjusted to provide fair opportunity for play in co-ed sports. Or, if in your best professional judgment safety and fair play will not suffer, the same rules can be used for co-ed sports as are used for single sex sports.

The time has come for intramural administrators to "TAKE THE BALL AND RUN." These specialists for years have discussed fair play and play within the spirit and intent of the rule. Title IX clearly indicates the rule and the intent of the rule. If intramural administrators meant what they have said about the interest of students, fairness, play for the sake of play, sports for all students, and the spirit of the rules, then *Title IX offers no threat*. It provides specifically for fair programs for all students and meeting interests of students that may not already be in programs. It also guarantees the opportunity for competition at all skill levels.

Intramural administrators have often noted that they are aware of student interests. Many have initiated and administered strong single sex programs. Intramural specialists have always possessed the ability to listen, to provide comprehensive programs, and to vary programs according to institution and student interest. The ability to change, to risk, to use fair and honest professional evaluation with requests is also essential to intramural administration. H.E.W. has only given in written guidelines those guarantees and openness of programing that many have dreamed of for years.

Title IX is not doing anything *to intramurals*. It remains to be seen what professional intramurals specialists do *for the students* as a result of the guidelines.

COLLEGIATE INTRAMURAL ATHLETICS AND TITLE IX

R. T. "Rookie" Dickenson
University of Houston

Intramural directors all over the country are attempting to foresee the effect that the Title IX regulations will have upon their institution's programs and how they can best implement a program which will appeal to their students and also meet the requirements of the regulations.

Many of the guidelines of Title IX can easily be met by most intramural departments but the areas of activities offered within the program may cause some problems, depending mainly upon H.E.W.'s interpretation of some of the regulations.

The key factor in determining the type of program offered will be the interpretation by H.E.W. of Section 86.38 (a) in the proposed rules. *Are intramural athletic teams and contestants selected for their organization's squads on the basis of "competitive skills"?* Will intramural athletics fall under the "separate but equal" clause pertaining to varsity athletics? If H.E.W. rules that selection of players for intramural teams is based on competitive skill, then with minor modification intramural programs will continue much as they have in the past. Most institutions will continue to have three different areas of competition in their activities: One area primarily for men, one area primarily for women, and one area of co-recreational activities. Even if intramurals falls under the competitive skill ruling, it is imperative to get away from the Men's Department and Women's Department concept and, for administration purposes, have only one department with personnel within the department working in and with all phases of the program. I think it goes without saying that hiring of personnel, both professional and student staff, must be based upon ability and not sex. Further, affirmative efforts must be made by departments to recruit and train staff in areas in which one sex or the other has not been well represented.

Rules for the activities offered should be basically the same for all divisions of the program and awards and point systems should be standardized. Equipment should be the same for identical activities, whether the activity be in the men's division, the women's division or the co-recreation division. As nearly as possible, activities offered in the men's and women's areas should be the same and should be played at the same time and use the same playing facilities. Assuming that we do come under the "competitive skill" classification, we should be aware of Section 86.38 (b) concerning an annual survey of student interest in activities offered and efforts should definitely be made to implement the results of the survey. Frankly, any quality intramural program that exists to serve the students should be doing this anyway.

Now, what happens if we do not come under the ruling of "competitive skills?" Then there are some real problems facing us. All of the items mentioned previously must be implemented, but our activities offered will have to follow one of two courses. The first course and possibly the one many institutions would go to would be to make all activities co-recreational in nature and eliminate the activities which do not lend themselves to a co-recreational makeup in terms of organzation and participation. The activities which would give us the most roblems would be the areas in which strength, weight, and height are he determining factors of contest outcome. Some types of touch or ag football could be a problem and basketball and volleyball would e a problem unless departments severely modified the present rules. There is also the necessity of changing many intramural rules of eligiility, especially where fraternities and sororities are concerned since, y their very structure, most of them do not have members of the pposite sex in their organization.

A second alternative to the co-recreational type program would be o open all events to anyone and having both men's organizations and he women's organizations compete in the same leagues or tournanents. Due to the strength and size factor, a great deal of opposition o this type program would be raised since it would only be a short ime until the majority of the women would withdraw from many of he currently offered intramural activities.

Hopefully, we will be allowed to have the "competitive skill" ruling f the regulations and will not have to drastically revamp our total rograms. A suggestion which has worked well in some institutions is hat even when a women's division and a men's division is part of the epartmental program, a participant or a team, regardless of sex, may ross divisions and participate with the opposite sex division as long s that participation would not have a disruptive effect upon the program.

A Call for Commitment Without Reservation

This caption has resounded frequently within the last decade of hange. These changes were prompted by the current economic crises ffecting all educational and extracurricular programs, the supply and emand reality, and the mandate for accountability.

These changing times do not permit "business as usual" if indeed the effort "to assure equality of opportunity for all citizens at all levels in pursuing their educational potential (including intramurals)" is a continuing one.

Answering the question "Just how much do we (Intramural Directors, Athletic Directors, Physical Education Faculty, and others) care?" We must seek answers to each of these questions which are couched within the framework of the term *commitment*.

- Is our first concern for the development of the best possible programs of Intramurals within the *Interpretations of Title IX?*
- Are we willing to change traditional ways in order to make way for new situations over which individual institutions or professionals have little or no control?

- Are we *willing* and *able* to put *time* and *effort* into our programs which reflect the rapidly changing societal needs of citizens of all ages?

The past has proven that we have faced these questions squarely and that our actions have not always been rational or effective.

Unfortunately "no panic" does not mean "no action." "Business as Usual" does not mean the same as "Business as Equal," given the same resources, same program facilities, with Title IX included.

As we confront the challenges provided by Title IX, let us be reminded of Robert Frost's The Road Not Taken . . .

> Two Roads diverged in a yellow wood, and I
> I took the one less traveled by,
> and that has made all the difference.

The "road less traveled by" has traditionally been that of men and women, boys and girls taking—too often—separate roads toward the same objectives. The history of differences is recorded and documented. Hopefully, careful students of history will not see this same difference documented in the years ahead.

REFERENCES

1. AACTE Bulletin, American Association of Colleges for Teacher Education, Washington, D.C., Vol. XXVII, No. 9, November, 1974.
2. HEW News, Caspar W. Weinberger, U.S. Department of Health, Education, and Welfare, June 18, 1974.
3. Federal Register, Department of Health, Education, and Welfare, June 20, 1974, Vol. 39, No. 120, Part II.
4. UPDATE, "The Reality of Open Opportunity in HPER." Washington, D.C., October, 1974.

Note: Additional interpretations and documents may be obtained from the Department of Health, Education, and Welfare as they are released.

Chapter IV

TITLE IX: AN OPPORTUNITY FOR WOMEN: A SOLUTION FOR MEN

Cedric Dempsey
University of the Pacific

While being plagued with the rising costs in intercollegiate athletics, University and College Administrators are now confronted with an additional task, that of upgrading the opportunities for women to compete in physical activities. In most schools this has not been a self-initiated project but instead has been directed by legal mandate.

Title IX and the previously passed Equal Protection Clause of the 14th Amendment are the legislative avenues through which present and future sex-discriminatory practices related to intercollegiate athletics will be analyzed. These federal laws do not presume to dictate specific philosophies or practices institutions must follow, but they do require that once a philosophy or practice is established, it must be applied equally regardless of sex; and, that one sex shall not receive more benefit than the other.

Since Title IX of the Education Amendments became effective July 1, 1972, there has been a growing concern over its impact on intercollegiate athletics. Gwen Gregory, Director of the Civil Rights Agency Office of Policy Communication, caused a panic among leaders in men's athletics with the initial drafts of 1973 which were presented to Secretary of Health, Education and Welfare, Casper Wineberger. These drafts were implementing guidelines for the Title IX Amendments suggesting equal funding for women in intercollegiate athletics. From that time until the present, vested interest groups have lobbied, resolved, and compromised in an effort to avoid "destruction" of the present structure for men's athletics while seeking to provide more opportunity for women athletes. Although funding women's programs has been the focal point of controversy and concern, it is only symptomatic of the overriding issues. It is the purpose of this article to suggest how women's intercollegiate athletic programs can be funded. These programs can be financed, but in order to do so it will be necessary for leaders in intercollegiate athletics to spearhead major cultural and economic changes in our society.

Cultural Changes

Historically, men and women have been judged according to different standards. Our society has established masculine and feminine roles into which men and women have been cast. As suggested by Cynthia Epstein (1969), women in the past have been judged by debilitating standards or no standards. Equality means the right to the same sanctions, fears, punishments and the same set of motivational forces within the reward structure. Allowing women to compete, to achieve, to win, and to be physical, creates turmoil in the masculine-feminine image existing in our present society. In the foreword of the anthology *Masculine/Feminine* (1969), Betty & Theodore Roszak succinctly presented the masculine and feminine roles accepted by our society today.

> He is playing masculine. She is playing feminine.
>
> He is playing masculine because she is playing feminine. She is playing feminine because he is playing masculine.
>
> He is playing the kind of man that she thinks the kind of woman she is playing ought to admire. She is playing the kind of woman that he thinks the kind of man he is playing ought to desire.
>
> If he were not playing masculine, he might well be more feminine than she is—except when she is playing very feminine. If she were not playing feminine, she might well be more masculine than he is except when he is playing very masculine.
>
> So he plays harder. And she plays . . . softer . . .
>
> He is becoming less and less what he wants to be. She is becoming less and less what she wants to be. But now he is more manly than ever, and she is more womanly than ever . . .
>
> The world belongs to what his masculinity has become.
>
> The reward for what his masculinity has become is power. The reward for what her femininity has become is only the security which his power can bestow upon her. If he were to yield to what her femininity has become, he would be yielding to contemptible incompetence. If she were to acquire what his masculinity has become, she would participate in intolerable coerciveness.
>
> She is stifling under the triviality of her femininity. The world is groaning beneath the terrors of his masculinity.
>
> He is playing masculine. She is playing feminine.

Celeste Ulrich (1968) said that the first risk a woman faces in sport is not physical harm but that being active poses a threat to her femininity. However, there is no question that the societal image of the female "jock" is changing. The myth that athletic participation will destroy the sexual appeal of women has been refuted by Olga Korbut, Cathy Rigby, Billie Jean King, and many others who are examples of athletes who have retained their femininity. Therefore, the major problem for women lies not in physical appearance but in the expression of masculine psychological and sociological traits. Athletics attract men and women who possess leadership ability and are aggressive, achievement-oriented, dominant, and strong. In our culture these traits have ot been admired in females; thus, many women have been suppressed nd have felt inhibited in their search for self-fulfillment—"She is laying the kind of woman that he thinks the kind of man he is playng ought to desire . . . And she plays . . . softer . . ."

The reversal is true for many men who possess strong feminine raits and interests. They have felt inhibited by societal expectations nd have been forced to play a role contrary to their true feelings. "So e plays harder."

Providing equal opportunity for women to compete in what has een a "man's world" is not the major question. Social acceptance is he critical issue. How long will it take for women to have the same pportunity to seek self-fulfillment through activity and not feel hreatened that they are losing their femininity? Those questions and thers are deep-seated concerns for many as intercollegiate athletics or women mature to an equitable level with men.

Economic Changes

The influence of big business in athletics is obvious. No doubt women will find this influence to be the greatest deterrent in their quest for equal opportunity to participate.

> Around the simplicity which most of us want out of sports has grown a monster, a sprawling five-billion-dollar-a-year industry which pretends to cater to our love of games but instead has evolved into that one great American institution: big business. Winning, losing, playing the game all count far less than counting the money. (Shecter, 1969)

Power in our society is represented by money. Athletics as a "mirror" of our society has been affected by and has responded to big business. The NCAA and the major institutions of that association have become dependent upon the dollars generated through television, bowl and tournament contests in football and basketball. Playing dates, times, and sites have all been affected by the need to balance budgets. Major athletic programs have been forced, under the pressures of rising costs, to "market" their products in a business manner, and, unfortunately, many times educational values have become secondary. With these pressures to survive financially and with athletics serving as a "mirror" of a big business society, there is little reason not to expect those influencing powers to question any change that would affect the "status-quo" of men's athletics.

In the initial draft to implement Title IX, recommendations to equally fund women's athletics were presented. Obviously, this would have a disastrous effect upon men's athletics as they exist today. If these recommendations were to be carried out literally, institutions would be forced to provide equal scholarships, coaches, schedules, facilities, media coverage and equipment for women. No school could afford to double their finances. Changes in men's programs would be inevitable.

Institutions within cultures are resistant to change, and it is with predictable action that the National Collegiate Athletic Association and its membership began lobbying for a halt to the proposed guidelines. Their major concern has not been one of providing opportunities for women but of protecting the present collegiate structure of athletics for men. The dilemma of how to preserve the men's status quo and yet offer women opportunities in athletics must be resolved.

Both men and women should be given the opportunity to seek excellence in physical activity! Men and women should no longer have to sublimate their inherent traits in order to play the artificial masculine and feminine roles assigned by society. The educational values of athletics should again become primary and the impact of big business should be reduced.

Proposal for Change

In the remainder of this article an alternative model for intercollegiate athletics will be presented. An attempt has been made to provide a structure through which both sexes may have an opportunity for self-realization by seeking excellence in athletics. Enhancing this opportunity for women requires an increase in funding to women's athletic programs in most schools. No doubt when the final guidelines for Title IX are completed, it will be necessary to provide equitable financing for both men and women in athletics. The need for equitable funding and the need for re-establishing educational objectives as the primary goals have prompted the author to suggest the following guidelines.

First, let us consider the structure which best allows fullest participation for both sexes. Separate teams for men and women appear to provide the best opportunity for quality participation. The major weakness is that this structure does not take into consideration the individual athlete who is seeking to reach his or her maximum potential. Athletes may find it necessary to compete against the opposite sex in order to reach their highest performance level. Recognizing the sex-determined physiological differences, this "compete-up" choice would pertain primarily to women who are seeking competition commensurate with their personal goals. The privilege of crossing over and competing on opposite sex teams would be allowed to students "competing-up." Students not adequately skilled to make their own sex team would be prohibited from "competing-down."

Some have criticized this alternative of allowing women to "compete-up" by declaring this plan unwieldy and detrimental to women's teams since the men's teams might attract the top women athletes.

However, the philosophy of allowing individuals to seek their maximum potential would appear to override this criticism. Most schools are operating under this structure on a limited basis today.

Separate-but-equal teams do not require funding; however, adequate funding should be available to provide a comprehensive athletic program for both sexes. A comprehensive program should provide for:

1. A variety of competitive sports which will serve the needs of many students
2. Safe travel
3. Appropriate food and lodging
4. Qualified officials
5. Well-trained coaches
6. Equipment and facilities which are safe and aid performance
7. Appropriate uniforms
8. Adequate training facilities and competent trainers
9. Adequate staffing units for administrators, coaches, and support staff

Funding separate-but-equal teams adequately presents a major financial problem for all institutions of higher learning. Therefore, ways of reducing the expenditures in men's programs must be sought.

A financial aid-based-on-need program is the most constructive solution for providing equality of opportunity for both sexes. This adjustment in awarding aid would remove a financial albatross from the necks of athletic administrations.

Grants-in-aid have been the critical problem related to the rising cost in men's athletics. Additionally, most of the abuses and violations in the National Collegiate Association are associated with illegal recruitment and aid violations. Grants have also created an "inverted eye-ball—outstretched hand" attitude by many male athletes, thus changing the original concept of amateur athletics.

Few, if any, schools could afford to duplicate the number of male grants-in-aid for women even if directed to do so under Title IX legislation. This would present an unsolvable financial dilemma.

At two of the last three National Collegiate Athletic Association meetings, attempts were made to institute aid based on need. Both attempts failed, and the financial problems for member schools have continued.

In contrast to the National Collegiate Athletic Association's proposals that athletic grants be placed on a need basis, the author recommends that the distribution of financial aid to athletes be determined by the same standards as for any student seeking aid. Therefore, student aid would not be dependent upon participation in athletics. This would eliminate the "pay for play" attitude and would encourage students and coaches to perform for the intrinsic benefits which athletics provide.

There are three major criticisms of granting aid based on need. The first centers around the past experience of the Big 10 Conference whose representatives have testified that more cheating occurred during the period when they, as a conference, adopted a need program than at any other time in the history of the Conference. A sad testimony on the leadership of the professional athletic people in those schools! Secondly, many school officials have felt aid-on-need programs are not a valid way of distributing grants because they are unwieldy and have inequities. This criticism may have some merit; yet, state scholarship programs and many federal programs have adopted similar methods of awarding academic grants and have received little criticism.

The most legitimate criticism is that colleges and universities offer talent grants in music, drama, debate, so why discriminate against athletics? Through sound study and evaluation, a consistent program could be established so as to provide schools with flexibility in their grant program without inconsistencies. These aid programs would need to be determined by each institution.

Another recommendation to reduce costs would be to restrict regular season play to regional competition. This restriction would also permit equal scheduling for sex-linked teams. From regional play, national championships could be developed for both sexes. Intersectional competition would, therefore, be reserved for those student-athletes, male or female, who proved themselves superior in their respective regions.

The one exception to regional play should occur in football where the net receipts of participating on a national basis may be great enough to offset the costs of travel and related expenses. This should be carefully reviewed. If more regional rivalries were established, the net receipts for a regional contest might exceed those of any national competition. The national competition could, therefore, be reserved for post-season bowl games or a national play-off. Travel should be restricted to area competition for those sports producing less revenue than football. Most schools have moved into this policy of scheduling but no doubt greater savings in men's programs could occur if a more concerted effort was made to schedule teams in local areas.

Summary

No doubt many compromises will take place prior to the formulation of the final guidelines to implement Title IX legislation. Hopefully, these compromises will not subdue women who desire to have the same opportunity to compete as men. Leaders in the field should not allow this to happen, but how can it be prevented? What is needed now is more tactics than theory, more viscera than vision and more lementation than ideology. Anyone can theorize, but a professional illing to act to effect the changes needed. The action of eliminating nt grants-in-aid and the incorporation of regional play would free nies to sponsor women's programs and at the same time eliminate foremost problems in men's programs—professionalism and ses.

nstead of viewing Title IX as the instrument of problems in the field thletics, leaders should consider it the device through which solus to problems can be implemented. Title IX legislation provides an ellent vehicle through which changes in men's athletics might oc. These changes can only be realized by altering the present views asculinity and femininity and by reducing the impact of big busis on sports. Rather than being a "mirror" of society, leaders in letics now have an opportunity to move the field to the forefront of nge.—Title IX; an opportunity for solutions.

REFERENCES

pstein, C. F., "Successful Women in the Sciences: An Analysis of Deterinants." *Annal of the New York Academy of Sciences,* 1973, pp. 27.

oszak, B. & T., *Masculine/Feminine: Readings in Sexual Mythology and the iberation of Women.* New York: Harper and Row, 1969.

hecter, L., *The Jocks.* New York: Bobbs-Merrill, 1969.

lrich, C., *The Social Matrix of Physical Education.* Englewood Cliffs, N.J.: rentice-Hall, Inc., 1968.

Chapter V

TEACHER BEHAVIOR AND ATTITUDES: IS CHANGE NEEDED?

John Cheffers
Boston University

"... Toads and snails and puppy dog tails,
That's what little boys are made of,
... Sugar and spice, and all that's nice,
That's what little girls are made of."

Traditional

Title IX has opened the way for many citizens to query the truth of this traditional nursery rhyme, which, although delightful in meter, is symptomatic of sex discrimination prominent and ignored for many centuries. Apparently even the great Aristotle was guilty. He is reported to have said (1): "We should regard the female nature as afflicted with a natural defectiveness."

Women's organizations have capitalized on broadening community tolerance, casting off the mantle of wasp waistedness and taking issue with their male counterparts in matters ranging from politics and management to sport participation. Sex role standards, dormant and irreversible for so long, are now changing, with women assuming much greater initiative in communal and family affairs.

Adjustments are sometimes painful, too, as man is asked to move over and make space for his militant spouse. Ego bruising is as popular an illness in the schools today as rump bruising was in the days of the strap and cane. Erosion of male authority has, of course, been occurring for over 50 years now, but the arrival of the confident, competent and congenial female teacher-coach and her appointment to positions of genuine leadership necessitate a reappraisal of our entire posture on teaching behaviors.

How will male and female teachers, coaches and counselors cope with their integrated roles? Will new techniques have to be developed?

How are some steady-state fixtures ever going to adapt to the rigorous, and very different requirements of Title IX? Regulations which will draw men, women, girls and boys together in coeducational classes, teams and enclaves, and which will demand that each be given fair and equal opportunities to express their talents must be developed. In some cases traditions will have to be abandoned, practices modified, and "iron wills" compromised. Fortunately, human beings are remarkably resilient. They do adjust and usually do so quickly, proided the necessary attributes of common sense, scientific investigaon and attention to cultural readiness prevail. Physical educators, oaches and counselors will discover that they find satisfaction in eir new roles.

Teaching behaviors in coeducational classes will differ a little but ot greatly, from teaching behaviors in single sexed classrooms. Acivities traditionally associated with male activities (like weight trainng) may have to be renamed and given different focus if women are o be attracted to enroll—but this is happening all over and will acelerate. Teachers making the adjustment will do well to examine the ollowing factors:

1. Research on sex differences
2. Research on models of communication and learning
3. Techniques for insuring optimal learning and maximum safety
4. Attributes that make for effective teaching and coaching as identified by specialists interested in research and field based teacher performance

. *Research on Sex Differences*

It is important that sex differences be identified and the effect on eaching behaviors investigated. Two subdivisions have sometimes een isolated—physiological differences and psychosocial or cultural ifferences—but it must be realized that research in these areas tends o measure *what is* and *has been*, rather than what *could* or *should* be.

If the early research on child development is true and boys are more ggressive (3), are less interested in personal appearance (4), and tend o persist at difficult tasks longer than girls (5), then obviously teachrs must place higher expectations on male student achievement than emale. The continuing presence of rigid role standards, especially with the adolescent female, casts the mantle of suspicion over these arly research results. Virtually no research has established that girls annot adapt to the same expectations as boys when identical criteria re applied. Mancini (6) found no significant differences in the sex actor when assessing the attitudes of 505 Boston urban elementary school children towards a vigorous and demanding series of formal ymnastic activities. He also discovered no significant differences in he attitudes of boys and girls towards male and female teachers.

The question of greater physical strength necessitating changes in teacher behavior for boys' classes as opposed to coeducational classes receives further confounding factors when the research of Nancy Bayley (2) is considered. Masculine or "strong" girls are so much more able to cope with roughhouse games than feminine or "weak" boys. Some teachers have advocated psycho-physiological indices whereby an arithmetic quotient, rather than the sex dichotomies male and female, would be used to differentiate among the performers. Notwithstanding this interesting but 21st century approach to sex differences, the majority of teachers recognize the need to cope with disparate abilities within and between the sexes.

Teaching behaviors need to be modified to encourage or discourage competition mainly on the basis of the equality of the competition, rather than on the desirability of producing winners. Teacher verbal pronouncements are crucial. All reinforcements need to be couched in terms genuine to the philosophy of inclusivity rather than exclusivity.

> "Class, we have six teams. We can have six winners if all teams are trying . . . Ready, Go! . . . Team B finished 1st. Well done. Team C in spite of a dropped baton finished 2nd. Teams A, F and G all finished in a blanket of enthusiasm—Perhaps G just beat out F who outlasted A. Team D dropped the baton twice, seriously hindering its competitive chances—It was good to see them hang in there. Okay, let's see how the second race goes—Ready . . ."

Those who are mesmerized by the need to tease out excellence through binding competition will never accept this position. They prefer to rely on the dictates of threatening exclusivity by offering children enticing rewards only if they are successful in competition. What this position fails to realize is that no competition is really fair. Genetic endowment, economic considerations and environmental opportunities so distribute talent that usually patently unequal conditions exist. Surely the only acceptable teaching posture is that of merit recognition —students who are "giving it their all" are much more likely to be reinforced through competition "within" their personal potential levels, than competition "between" other more or less talented class members. The school gymnasium is hardly the place to abandon democracy in education, especially if its professed goal is the optimal physical, psychological and sociological growth of each child. Perhaps Title IX unwittingly gives us the chance to screen all teaching behaviors which extoll the talented few with their innate abilities at the expense of the rest of the student body. What is much more important is the need to cope with individual difference levels within and between sexes, rather than concerning ourselves with a chase after the excellent few. It appears that the obvious physical and psychosocial differences between male and female students do not necessitate sweeping changes in teaching behaviors. The recognition of ability differences is not a function of sex alone, and should not, therefore, be used as prohibiting criteria. Integration in the classroom or gymnasium is very possible, has been achieved in many countries, and will continue to grow in importance as the 20th century enters its autumnal years.

2. *Research on Models of Communication and Learning*

Some researchers consider that the role of the teacher can function independently of the students. B. Othaniel Smith (7) has made a case for the teaching act being a series of planned verbal and nonverbal acts intended to bring about learning, but not dependent upon the final outcome. Pursuit of this line of reasoning leads to a definite possibility for the formulation of a theory of teaching. Under these circumstances male and female teachers can function to set formulae established by research findings and verified by empirical procedures. If, in Skinnerian terms, reinforcement is the key to learning, then the teacher adopts a role as a reinforcer or provider of reinforcement. Such examples are: "Well done" randomly applied at times following successful achievements or "I liked your 3rd effort best because you did. . . ." Prime considerations under this concept of teaching are the timing, accuracy and intent of the reinforcing behaviors.

Teaching behaviors vary little as a function of sex. Perhaps personality variables are the only differences between male and female teachers. It is possible under this theory to be a distinguished actor, to utilize personal charisma, and to rely upon other personal aptitudes to attain excellence in teaching.

Other students of the teaching-learning process (8) prefer to look at the communicating process differently. They maintain that there can be no means of assessing teaching excellence outside of, or divorced from, student achievement. Cheffers (9) has represented the teaching act as so dependent upon student learning that it has become necessary to talk of the teacher as a diversified teaching agency: sometimes representing the classroom teacher, other students or peers, or objects (animate or inanimate) from the environment (Figure 1).

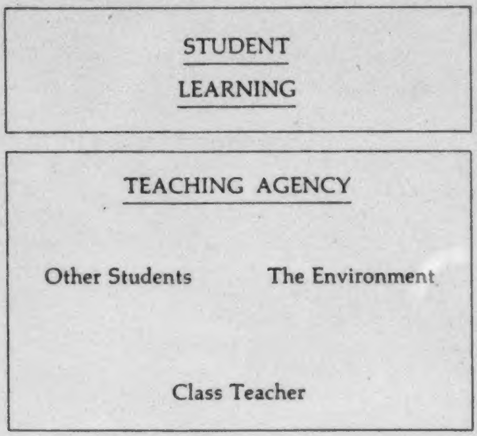


Figure 1

DIVERSIFICATION OF THE TEACHING AGENCY

Most educators agree that interdependence between the teaching agency and the would be learners is necessary if behavioral change is to take place. This does mean considerable change in teaching behaviors and is especially appropriate for consideration under the changes brought about by the introduction of Title IX.

The teacher does not have to rigidly expect boys and girls to learn from the same source at the same time. Boys can teach girls football skills and girls can teach boys field hockey skills under the supervision of a class teacher without the teacher having guilt spasms about not being the sole dissemination agency. The crucial determinate of teaching success is expressed through student achievement and diversification of the teaching agency is encouraged. Class teachers are encouraged under this model to surrender some of their traditional authority dictates, and are challenged to diversify the learning environment on the basis of individual differences: students are encouraged to be more active in their learning. Teaching behaviors calculated to share the discovery process with students are bound to bring about internal and external motivation—students and teachers both get "turned on". One sure way to bring about this sharing, especially in the process of dealing with subject matter, is to question rather than lecture. It is a simple behavioral change but one which is not so simple to implement. Teachers and coaches, especially in activity oriented classes, tend to rely upon lecturing and direction giving ad nauseam. Questions, on the other hand, involve all children and stimulate them to seek out answers to problems. One only has to look at the incredible success of the TV Quiz shows to realize that people are challenged, entertained and motivated by well prepared and non-threatening questions, regardless of what the content matter is.

Plato, when quoting Socrates' engagement with the slave boy in ancient Greece, beautifully illustrated how a universal concept (in this case Pythagoras' theorem) can be learned by the adroit use of questions. All statements made by teachers or teaching agencies can be turned into questions but the technique needs to be practiced. Descriptive analyses of 98 physical education majors at a large Eastern university revealed only a 5% incidence of the use of questions. As a profession we have been aware of the questioning technique for many centuries, but have, generally speaking, not utilized it.

If teachers in new coeducational classes wish to encourage optimal student participation then they may do well to use this simple but apparently elusive skill. If teachers, however, are threatened and uncomfortable in this new role, for it will encourage students to ask questions also, the advice would have to be given—stay well away from questioning as a classroom technique.

In similar vein another model illustrating the desirability of student teacher sharing may be helpful (Figure 2).

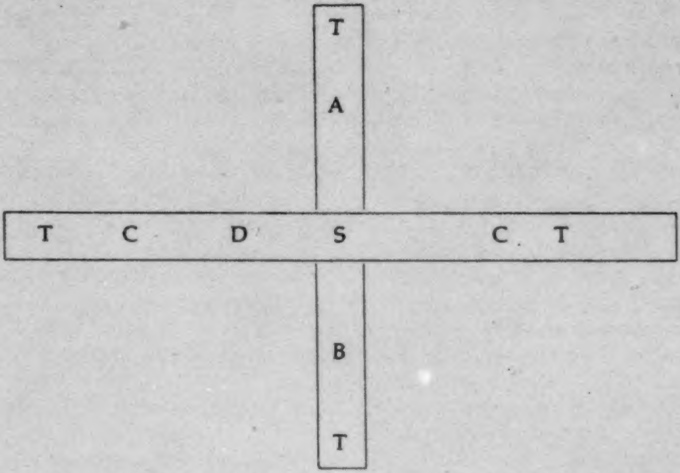


Figure 2

VERTICALITY AND HORIZONTALITY OF LEARNING

This model illustrates what has been called verticality and horizontality of learning (10). The student is placed in the key position at the center of the clockface figure. In the vertical blocks (A and B) singularity of direction predominates. Communication is unidimensional, either from the teacher (section A) or from the student where the teacher has withdrawn completely allowing the student to dominate all communication (section B). It is suggested that in all but a very few cases (scuba diving in the earlier lessons) such one way communication leaves one of the parties inactive and hinders effective negotiation and learning.

Teachers who "tell" or "direct" their students through every minute aspect of skill acquisition restrict their students' movements to mere obedience and encourage verticality. Their students become passive. Coaches who call all the plays tend to produce subservient quarterbacks and dependent teams. Counselors who dominate didactic conversation are likely so to shape their client's position that the real issues remain hidden and game playing over trivialities becomes the norm.

In the horizontal box (c) the teacher needs to accept the efforts of the students, sometimes without even giving reinforcement. Acceptance (11) dignifies the students' efforts and tends to encourage further growth. Certainly acceptance fosters trust which is a cornerstone in the current educational thrust known as humanistic education. Acceptance works on the theory that when a footballer, for instance, makes an error he does not need to be reminded of it. In all but exceptional cases he is only too well aware of his mistake. Instead of indulging in histrionic rhetoric the accepting coach chooses to ignore the error accepting the student's performance in spite of the error. This does not preclude helpful feedback, rather it encourages the student to seek out explanation and alternative action which hopefully will prevent repetition.

Accepting behavior is hard for teachers to practice and particularly difficult for coaches. The action set of a close game and the tense dramatic atmosphere pervading most side lines tends to produce emotion charged situations very foreign to egalitarian pursuits. However, the importance of mutual teacher-student acceptance, problem sharing and respect, cannot be over-emphasized. Teachers facing coeducational classes for the first time will avert many problems by using this simple but effective technique.

Section D is included in the clockface figure to account for those times when teachers and coaches attempt authority sharing but for one reason or another bring about confusion. Inconsistency is a frequent cause for confusion in communication. Another problem arises when incongruence between verbal and nonverbal communication is detected by students. We are all familiar with the teacher who first expresses his or her real reaction through a frown, pout, anxious not to be demeaning, employs verbal praise. Children are alert observers and detect such incongruence immediately. Their response is either to distrust the teacher's words, and continue to search for the real cues (expressed nonverbally), or to withdraw into a game playing situation where their primary concern is to "please" the teacher or get a "good grade" and finish the course.

Nonverbal communication skills are seldom practiced, but are probably the prime communicating medium of feelings and emotions. The importance of this factor is not recognized by most teachers and coaches. Expressions of disgust and dismay are as effective in shaping a tense atmosphere as joy and happiness are in relaxing that atmosphere. Many coaches have actively employed the strict, faceless countenance for the purpose of communicating discipline, dedication and sincerity on the one hand or good, old fashioned fear on the other. This is a persuasive ruse which brings about an authoritarian atmosphere with appropriate team conformity. It is these mentors, however, who suffer most when students rebel or take issue with the many mindless restrictions usually attendant with such facelessness.

Coaches who choose not to employ faceless, nonverbal expressions probably have greater credibility with their players, and will find adaptation to coeducational class teaching a relatively simple task. Defenders of the more traditional coach will find some truth in the assertion that girls conform as easily as boys dispensing with the need for behavior change. Perhaps this is true, but only in so much as perpetuation of such behavior is envisaged. And a case can be made that such restricting behavior is only successful when singularity of purpose exists. One cannot imagine many students persisting with a course which is "put down" and "no fun", just to "make the team". The author is convinced that although a strong relationship exists between rigid coaching atmospheres and the desire to win at all cost, not such a high correlation can be found between rigidity and *actual winning* combinations.

The antics of a few celebrities like Vince Lombardi and Johnny Wooden tend to overshadow the many not so successful disciples who strive to emulate this stereotype.

The best advice to give budding and ambitious coaches and teachers of both sexes is for them to put themselves into the student's position and express their feelings as freely as is propitious under this exacting criterion. It is certain that their students and players will develop greater credibility. The mentor who has serious personality flaws to hide is probably unsuited for the task of teaching or coaching in the first place. In the words of Cal Papatsos (12) when talking of coeducation and communication: "the good will remain and get better, the mediocre, male or female, will get weeded out and that is the way it should be."

3. *Techniques for Insuring Optimal Learning and Maximum Safety*

Amidon and Hunter (13) list what they consider to be the prime activities in the teaching process.

a. Motivating
b. Planning
c. Informing
d. Leading
e. Disciplining
f. Counseling
g. Evaluating

Certainly males and females can equally motivate, plan, inform, lead and evaluate. Some concerns over the advisability of women counseling boys and men counseling girls have been expressed, especially from more experienced teachers. Concerns have also been expressed about the ability of males and females to adequately discipline students of the opposite sex.

It is the thesis of this text that both concerns are not valid as a function of sex. They are much more a function of personality and vocational selection, wherein it becomes clear that teachers and coaches who are unable to cope with the counseling and disciplining problem would be wise to seek alternative employment.

All seven of these activities are concepts concerned with clarifying the teaching-learning process. Under the spirit of Title IX it will no longer be fair to motivate boys by comparing their efforts disparagingly with those of the girls, nor will it be sufficient to exclude female leaders from planning sessions simply because they are married or difficult to get along with. Women will be encouraged to participate equally in the dissemination of essential facts without having to be given bogus leadership roles. It seems self-evident, that if a Parent-Teacher Association can be chaired by a woman, a district court session presided over by a woman, and an entire state governed by a woman, that teams hitherto viewed solely as fit for male leaders only, can be led by a woman. The necessary provision is equally self-evident, of course, that her qualifications are appropriate and adequate.

It has been this writer's experience that evaluation is a function of intelligence and thoroughness, and that neither of these two constructs are sex biased.

If Amidon and Hunter are correct in their assessment of the activities involved in teaching and coaching, then either men or women or both are capable of handling the various situations without teaching behavior differentiation based upon sex.

Militant women's groups have advocated specific curriculum topics designed to end sex role stereotyping. Some of the activities they suggest are radical, but many serve as useful compendia for general enlightenment.

1. List 50 major sports persons; identify their sports and gender—How many top women would be named? (probably not too many).
2. List how many TV sportscasters are women.
3. Look at advertising practices associated with sport—How are women used to sell products?
4. Count the number of times your teacher uses he and not she (or gives a male example) in any given class period.
5. List and discuss the number of sporting teams you can think of which are coached by women.
6. Discuss boys in their new role as cheerleaders to the girls' basketball team.

Teachers and coaches faced for the first time with a coeducational situation which involves physical contact between the sexes, may do well to follow a few basic principles.

1. Treat students in your class as any Wrestling or Boxing Association does its members. Utilize handicapping, differentiated goal seeking, and create teams or sub-groups based upon depth of experiences and ability levels. Another factor is the desired level of involvement. Not all students want to be Olympians.
2. Reward all students for participation and effort along with final rankings.
3. Utilize the same teaching techniques for boys and girls. If the learning of a back somersault on the trampoline necessitates a supporting hand placed on the performer's backside as he or she turns, then do so. There are very few activities and sports sanctioned in the schools today which are so private and personal that separate teaching behaviors are called for.

The path to intelligent nondiscrimination in athletic endeavor will not be easy, though, as prevailing standards are still strong—male teachers helping female students and females helping males will still have their intentions misconstrued, and suspicion will persist as a major variable. The march of progress will not be halted by the cynics. Perhaps a story can best illustrate this statement. A shy, 15-year-old school girl approached me in the winter of 1959 with a request to learn shot putting and discus throwing. Although an attractive girl, and reasonably talented, she was tiny and very much aware of the kind of training necessary for eventual success. It was obvious that her physical strength would need to be greatly improved. Tentatively she agreed to a season of weight training. I assured her that when undertaken with proper scheduling and under careful supervision, she would not lose femininity. The prevailing sex role standards, however, worked strongly against her efforts and very nearly brought them to heel. Indignant male weight lifters at first discouraged her, then embarrassed her (through working out nude in the weight room) and finally accepted her intrusion reluctantly. She was the first Australian woman athlete to succeed in completing a weight training schedule in serious sporting circles. The experience was good for Jean Roberts, for it showed that sex role standards could be changed without loss of either femininity or dignity. Today, as one of the finest discus throwers in the world and captain of the Australian Women's Olympic Team, Jean commands universal respect in all phases of her sporting preparation. She says (Jean Roberts, 1970):

> Of course a girl can do weights and remain feminine but it is entirely up to her attitude. Strutting around gymnasiums in blind imitation of men

is foolish. Femininity won't be lost by lifting weights but it must be there in the first place.

Fortunately, many American women are achieving the same results today as teachers, athletes and coaches. The reaction of the majority of men gives cause for great optimism, too.

4. *Attributes That Make for Effective Teaching and Coaching as Identified by Researchers and Field-Based Performers*

Flanders (11) has advocated that teachers and coaches should, wherever possible, emphasize accepting and praising behaviors as opposed to directing and criticizing behaviors. He has developed a process evaluation instrument to measure this parameter which is referred to in the literature as the "little id" ratio (the ratio of indirect to direct teaching behaviors, must be attuned to the goals and purposes of each lesson. In a recent study of 32 mathematics teachers in southern Maine, Cheffers (15) (using a modification of Flanders instrument known as CAFIAS) found no significant differences between the "little id" ratios of male and female teachers. Mosston (16) talks of teaching styles ranging from teacher decision-making to student decision-making. Like Flanders he is concerned with lesson goals and emphasizes the need for gradual change. He does not distinguish between male and female teachers. Rosenshine and Furst (17) have produced an invaluable study in which they analyzed significant research in prominent teaching behaviors. This research yielded 11 variables pursuant to good teaching. These 11 variables are: (1) charity, (2) enthusiasm, (3) task oriented, businesslike behaviors, (4) variability, (5) children given the opportunity to learn, (6) indirectness, (7) use of criticism (negative correlation), (8) types of questions, (9) probing, (10) level of difficulty of work, (11) use of structuring comments.

Figure 3

TEACHER PERFORMANCE CRITERIA QUESTIONNAIRE

1. Did the teacher present the material and give directions so as to avoid confusion on the part of the students?

YES__________ NO__________ N/A__________

2. Did the teacher evidence sufficient facility with the material for the level of the students in this class?

YES__________ NO__________ N/A__________

3. Did the teacher make use of teaching aids and materials to assist in instruction?

YES__________ NO__________ N/A__________

4. Did the teacher vary teaching methods and organizational procedures?

YES__________ NO__________ N/A__________

5. Was the teacher's behavior characterized by consistent enthusiasm and interest in the lesson?

YES__________ NO__________ N/A__________

6. Did the students appear interested and involved in the lesson?

YES__________ NO__________ N/A__________

7. Did the teacher go about his task with a crisp business-like behavior?

YES__________ NO__________ N/A__________

8. Were the students presented with specific tasks to learn and develop?

YES__________ NO__________ N/A__________

9. Were the students given a chance to learn and practice the material presented?

YES__________ NO__________ N/A__________

10. Did the teacher ask questions or request demonstrations to make sure the students understood the material presented?

YES__________ NO__________ N/A__________

11. Did the students provide input which the teacher acknowledged, accepted, and where possible applied in the lesson?

YES__________ NO__________ N/A__________

12. Did the teacher avoid the use of harsh criticism in maintaining lesson control and evaluating student performance?

YES__________ NO__________ N/A__________

13. At one or more points in the lesson, did the teacher give evidence of order or direction by reviewing, summarizing or clearly signalling the material presented?

YES__________ NO__________ N/A__________

14. Did the teacher question the students on the material presented?

YES__________ NO__________ N/A__________

15. Did the teacher persistently probe to find out what the class was thinking? Were surface answers followed up for further clarification?

YES__________ NO__________ N/A__________

16. Were most of the students appropriately challenged by the level of difficulty of the material presented?

YES__________ NO__________ N/A__________

Cheffers and Keilty (18) developed a questionnaire (Teacher Performance Criteria Questionnaire, TPCQ) answered by students or independent observers rating a teacher or coach on these variables (Figure 3). In tests conducted at the University of New Brunswick no significant differences between male and female teachers were found using this scale (TPCQ).

In Summary

1. The research does establish differences between male and female performers in physical and psychosocial spheres. No research as yet has been able to distinguish how much of this difference is due to body chemistry and how much to culturally defined sex roles. Certainly, in the U.S.A., boys are more powerful in terms of body size, weight and muscular performance, although indications that this may not be so globally have been hinted at (19).
2. No significant teaching behaviors can be identified to which the label male or female can be attached. The differences in teacher behaviors are within the sexes, not between.
3. The only barriers to effective coeducational class activity appear to exist in poorly prepared lessons and through stereotyped individualists asserting that "it will not work." Efforts to implement the spirit of Title IX into physical education classes and sporting activities will scarcely succeed if teaching standards do not rise. The days of "rolling out the ball", or forbidding the students to participate if their tunics are more than 1.48 inches "above the knee" must be numbered.
4. Individual differences within the range of boys' and girls' achievements are a stimulus to provide more interesting and appropriate curricula. Title IX affords an excellent opportunity to bring about these changes.

REFERENCES

1. Bem, Sandra L. and Daryl J., "Training the Women to Know Their Place: The Social Antecedents of Women in the World of Work," Pennsylvania Department of Education, Box 911, Harrisburg, Pennsylvania 17126, 1974.
2. Oxendine, Joseph B., *Psychology of Motor Learning*. New York: Appleton, Century and Crofts, 1968, pp. 149-152.
3. Dawe, H. C., "An Analysis of 200 Quarrels of Preschool Children." *Child Development*, 1934, 5, 139.
4. Harris, D. B., "Sex differences in the life problems and interests of adolescents, 1935 and 1957." *Child Development*, 1959, 30, 463.
5. Crandall, V. J. and A. Rabson, "Children's repetition choices in an intellectual achievement situation following success and failure," *J. Genet. Psychol.*, 1960, 97, 161-168.
6. Mancini, Victor H., "A Comparison of Two Decision Making Models in an Elementary Human Movement Program Based on Attitudes and Interaction Patterns," Unpublished Doctoral Dissertation, Boston University, 1974.
7. Smith, B. Othaniel, "Toward a Theory of Teaching," *Theory and Research in Teaching*. A. O. Bellack, ed., Teachers College, Columbia University, New York, 1963.
8. Ausubel, David P., "A Cognitive Structure Theory of Teaching," *Current Research in Interaction*. R. C. Anderson et al., Prentice Hall Inc., Englewood Cliffs, N.J., 1969, Chapter 8.

9. Cheffers, John T. F., Amidon, Edmund, and Rodgers, Ken D., *Interaction Analysis, An Application to Nonverbal Activity.* Association for Productive Teaching, Chicago Ave., South Minneapolis, Minnesota, 1974.

10. Miller, Arthur G., Cheffers, John T. F. and Whitcomb, Virginia, *Physical Education: Teaching Human Movement in the Elementary Schools.* Prentice Hall, Englewood Cliffs, New Jersey, 1974.

11. Flanders, Ned, *Analyzing Teaching Behavior,* Addison Wesley, Reading, Massachusetts, 1970.

12. Papatsos, Cal, Quotation from Keynote Address. Eastern District Association, AAHPER Conference on Children with Special Needs, Boston, November, 1974.

13. Amidon, Edmund and Elizabeth Hunter, *Improving Teaching: Analyzing Verbal Interaction in the Classroom.* Holt, Rinehart and Winston, New York, 1966.

14. Cheffers, John T. F., "The Influence of Sex Role Standards in Shaping Adolescent Behavior Examined in the Context of Sports Participation. Real or Imaginary?" Sport Sociology Bulletin, Vol. 2, No. 1, 1973 (Ed. Benjamin Lowe). Governors State University, Chicago, Illinois 60466.

15. Cheffers, John, Archanbault, Francis X., and John Greene, "An Approach to the Measurement of Verbal and Nonverbal Behavior: Modifying CAFIAS for Varying Research Needs." Paper presented to the 5th Annual Convocation of the Northeast Educational Research Association (NERA), Ellenville, New York, November 1st, 1974.

16. Mosston, Muska, *Teaching Physical Education,* Charles Merrill Co., New York, 1966.

17. Rosenshine, Barak and Furst, Norma, "Research on Teacher Performance Criteria," B. Othaniel Smith (ed.), *Research on Teacher Education: A Symposium,* Prentice Hall Inc., Englewood Cliffs, N.J., 1971.

18. Cheffers, John and Keilty, C. Gerald, "Teacher Performance Criteria Questionnaire," *In Physical Education: Teaching Human Movement in the Elementary Schools* by Miller, Cheffers and Whitcomb, Prentice Hall, Englewood Cliffs, N.J., 1974.

19. Espenschade, A. S. and Eckert, H. M., *Motor Development.* Charles Merrill Co., Columbus, Ohio, 1972.

Chapter VI

PERSONNEL: RECRUITMENT, PLACEMENT, EVALUATION

Donna Mae Miller
University of Arizona

There is no mental blueprint available or standards written in heaven which describe definitive ways in which the mandates of Title IX of the education amendments of 1972 should be implemented. Although a forthright call to action is demanded, HEW has much interpretive latitude. If Title IX does not yield to substantive descriptions of ways of implementation, it does find a great many institutions facing the compulsory taking of a journey into utterly unknown environments, using vehicles and charts and even a compass which were made for journeys quite different from this new one. In view of this journey into unscheduled territory, a few personal observations, prior to launching into possible avenues for implementation, may be warranted, or at least pardoned.

The means for achieving implementation can be varied—precise or haphazard, tasteless or elegant, chaotic or constructive. It can mean anything that satisfies minimal criteria or accords with one's own preferences. Some persons identify with an impulse toward greed. They choose the alternative of directing women's sports programs toward the "big-time" model, and seem to concur with Mae West's point of view that "When I choose between two evils I always like the one I've never tried before." Their propositions trouble many persons because they represent the same old blurring of distinctions between what pertains to the individual participant and what can be sold to spectators. Critics call these persons loud, extreme, and gauche. On the other hand, lamentations of some counter-critics, who are concerned about their own "paradise lost," prefer to illuminate the weaknesses in equality. They contend that with women's lib and Title IX, the "gals" hold a double-barreled shotgun, where previously they held a pop-gun, and are firing it indiscriminately. They may find themselves in a place where prior conventions no longer count and they believe in little else except survival.

Between these extremes are those who contend that Title IX resonates with a powerful harmony of connectedness. All that is needed is to put our fertile minds together in designing an environment with less noise and more music, an environment in which men and women complement instead of wound each other, an environment in which each person can live with "gusto."

Continued study of Title IX, therefore, leaves me with the impression that: (1) mere analysis of mandates may not suffice; (2) interpretation seems to promise a number of different set-ups and practices; (3) the most that anyone can do at present is to study all actual and potential alternatives; and (4) we must try to make the new model car run smoothly and fast on roads built for buggies and wagons. It is within such a perspective that the following conjectures regarding implementation of Title IX are offered.

PROVISIONS APPLYING TO EMPLOYMENT

The provisions applying to employment practices are perhaps the most clear-cut and comprehensive in the entire document. The regulation applies to all aspects of all education programs or activities of a school. Coverage extends to all employees, both full and part-time, in all institutions covered. Sex bias is prohibited in all aspects of employment. These include employment criteria and recruitment, job assignments, classification and structure, promotions, salary, fringe benefits and other types of compensation, tenure and collective bargaining agreement provisions.

Presumably embodied within these provisions is the idea of progress, both material in terms of improvement of physical education and athletic programs and metaphysical in terms of perfectability of institutions. Such a view of "the future of the future," to borrow John McHale's (7) concept, carries with it some assumptions about ideals and possibilities which go beyond present constraints and inadequacies. What, then, are some potential constraints?

BASIC PROBLEM AREAS

If one really wants to know what bothers a lot of persons, one should read the comments on Title IX presented to HEW by the National Collegiate Athletic Association (NCAA), the Association for Intercollegiate Athletics for Women (AIAW), and the National Association for Girls and Women in Sport (NAGWS). For example, according to NAGWS (3), under the guise of adjustment to Title IX, many institutions are merging physical education and athletics into single departments, although NAGWS finds *nothing in the proposed regulations which dictates a particular departmental structure.* Although many departments have been merged successfully in the past and will be in the future, this recent trend, merely to meet the mandate of Title IX, does seem to raise a problem of further limiting employment opportunities for women. At any rate, some questions being asked include: Are the program objectives, purposes and methods of physical education and athletics significantly different? Are the goals and methods of athletics for men, athletics for women and intramurals sufficiently in harmony that these programs should be merged together? How can the effects of past discrimination in the entire professional area be overcome? Such questions illustrate the problems of determining the organizational structures of these programs and locating the relationship of their personnel.

DIVERSE PERSONNEL AND GOALS

The merger of departments seems to be based upon at least some assumptions: (1) there is harmony in goals or objectives of both or all areas; (2) adequate competency can be expected in the same individual for various functions (e.g., teacher/coach). With regard to the assumption of commonality of goals of physical education and athletics, the literature in journals and conference reports as well as common practice indicate that athletic coaches and physical educators are two distinct groups with varying philosophies and goals (10). Programs which contribute to different objectives, therefore, may not be complementary in nature, and may, in fact, be competing for limited resources. Moreover, the many types of personnel involved in athletics and physical education and views of their roles get tangled in a cluster of beliefs, stuck so fungus-like to existing conditions and quite different models of their roles in academic settings that even the most activist persons may be unable to clearly extricate themselves sufficiently to use their heads for good purposes. In institutions where Physical Education (or HPER) departments and athletics, which have had checkered relationships as partners and adversaries over the years, are merged into single departments, there may be an identity crisis. For example, there may be confusion about the role of the professor of physical education (e.g., motor learning, exercise physiology, biomechanics, and so forth), the coach, the teacher of basic instruction or activity courses, the administrator. Universities which have a penchant to develop all-purpose professors, or to mix all types of programs together into one "indiscriminate smorgasbord" may discover that, as Fraleigh (5) pointed out, ". . . deplorable scholarship, inadequate teaching, or dilettante coaching, supervision or administration result . . . the depth and quality of performance in all roles has been accordingly emasculated."

Even the integration of intercollegiate athletics for men and for women may produce unwanted dissonances since their theoretical underpinnings and purposes may be quite different. For example, collegiate programs of sports for women have not been geared toward the preparation of athletes for entering the world of professional sports, as frequently is the case in men's programs of football, basketball, baseball. The ends of men's and women's athletic programs may differ in other substantial ways. The whole concept of revenue producing is alien to women's sports wherein significant revenues have never been produced; yet, institutions may have expectations with regard to financial return from athletic programs. And, what is emphasized in the subject matter field as the basis of professional authentication of those preparing to teach and/or coach may perpetuate what Lawson (6) described as the obvious dissonances between physical education and sport.

ECONOMICS

A second problem, that of the economics of the university, and directives of Title IX as part of that economic picture, has stimulated not only volumes of analysis, but also considerable heartburn among university officials. University officials, increasingly forced to think in terms of "cost effectiveness," may be oriented toward courses of action necessary to attain the status quo. And, in Sarason's phrase "the more things change the more they remain the same." Or, critical imbalances may occur. For example, although Title IX boils down to a matter of priorities, not availability of cash, the larger interests of the male athlete bureaucracy in maintaining itself (lavish facilities, alumni endowments, entourage of personnel),* particularly in the so-called revenue-making sports, are internalized in the motivations of university administrators and controlling organizations. These interests operate, not through any devilish plot, but through the mechanism of a well-oiled entertainment and profit motive system.

A review of the recent *Report to the American Council on Education* (8) indicates that the men's athletic establishment is pretty well entrenched and secure despite financial worries; thus, if limited funds are available, academic departments will be put into direct competition with the athletic enterprise for the dollars available.

INEQUITY IN DEPARTMENTAL STRUCTURES

In these considerations, economy may be the essential justification for linking physical education with athletics and for merging athletic programs for men and women. Yet, the national trend in colleges and universities toward administrative *division* between athletics and physical education programs in the sequela to the issues regarding inequities existing between these two programs as well as inequities in opportunities for women. Inequity is also the nucleus of the issue regarding merger of men's and women's departments of athletics.

---

* The entire issue of *Phi Delta Kappan*, October, 1974, is devoted to the subject of athletics and points out that "criticis have focused on warped priorities which result in expansive athletic facilities being built before basic academic buildings are constructed and on recruiting scandals which show universities obtained good players but poor scholars."

Respondents to an opinionnaire distributed to 476 representative faculty of institutions of higher education in 48 states and Canada (4) noted that in departments which have merged, opportunities for women administrators and teachers have decreased. Respondents also indicated significant support for intramurals which involve many and suggested that competition for women be retained within the administrative framework of women's physical education departments. And, as was pointed out in the *Report of the American Council on Education* (8), the concerns of discrimination against women in sports programs should not be solved by the abolition of college sports.

The National Association for Girls and Women in Sport (3) proposed that in order to prevent Title IX from being used as a vehicle for further disadvantaging women, institutions contemplating mergers of previously separate administrative units should first be required to *develop affirmative action programs demonstrating how a merger can be effected in a non-discriminatory manner* and to *develop validated predetermined standards for employment selection*. Recipient schools would thereby need to identify the qualifications and abilities sought in a single department head and in other positions such as coaches and teachers.

Recognizing the difficulties inherent in defining and combining various programs under one umbrella, as well as acknowledging the general absence of validated employment standards in physical education and athletics, an attempt is made in the following suggested patterns to seek a framework which might hold promise for strengthening each area.

SUGGESTED ADMINISTRATIVE FRAMEWORK

The factor most likely to influence the goals and priorities of equal recruitment and placement opportunity, as well as evaluative practices, is that of the organizational and administrative structures, and, these structures do vary according to the purposes and outcomes held for the programs. The administrative framework which is suggested is that organizational distinctions be made between the academic discipline of Physical Education, or component units of Physical Education, Health, and Recreation, and that of Athletics. In some institutions it may be desirable to retain women's intercollegiate sports and intramurals within the administrative structure of physical education. The concerns of NAGWS, AIAW, and NCAA appear to be in accord with recommendations that permit the accomplishment of expected goals. The NCAA (1), commenting to HEW on the proposed regulations, stated:

> "Permit physical education and athletic programs to be organized on the basis of sex where such organization will eliminate verifiable health and safety risks, enhance the educational value of the program, provide

> increased athletic opportunities, provide for significant differences in skill levels, or serve other nondiscriminatory purposes."

Within the organizational arrangement suggested above, the following types of administrative personnel might logically exist.

1. *Director* (or Dean of the School or College) of Physical Education (or HPER). This position should be made available to either a man or woman whose credentials qualify the person for administrative leadership by the same criteria that would be applied to administrators of other academic units within the university. This program will be operated in an academic environment, thus, it will be necessary for the administrator to be fully aware of such practical and theoretical aspects of the programs as curriculum construction, philosophical interpretation, personnel management, facility planning, budget practices, public relations. He or she must stimulate developments within the various disciplines, encourage scholarly involvement and the pursuit of research, and be actively involved in related professional organizations.

2. *Director of Men's Intercollegiate Athletics.* This position would logically be open to a male applicant whose credentials would include the special kind of expertise demanded in the staging of premier athletic events and the complex amalgamation of all functions, revenues, and resources. This person generally will be a special appointee through the authority of the president and directly responsible to him. It may be that "big-time" athletics for men, such as football, basketball, and in some instances baseball and track and field, should be viewed as a theoretical self-supporting auxiliary enterprise and classified as separate and distinct from all other sports programs for men and women, including "low-profile" basketball and football.

3. *Director of Women's Intercollegiate Sports.* A female applicant would be selectively recruited for this position. Schools should negotiate the same contracts and same conditions of employment with its female and male employees. (Some inequities which persist on some campuses find women administrators, whose duties parallel those of their male counterparts, with few administrative and secretarial assistants, services and benefits.)

4. *Associate Director of Intramural Sports.* This position would be available to either a man or woman. Job descriptions should be made available to professional groups which have rosters as a means of contacting women candidates as well as men. The person in this position (4) should have the appropriate credentials to serve the greater interest of all students in diverse competitive sports programs which are reasonably analogous for men and women. As described elsewhere in this paper, it would be expected that some competitive teams would be separate but equal; some teams would be coed; and,

some teams would be both separate and coed, depending upon the interest and skills of students and nature of the sport.

There are additional or adjunct personnel, such as Sports Information Director, Athletic Events Coordinator, Athletic Trainers, that institutions may be able to employ. All such positions should be available to either a man or woman applicant, or both.

TEACHER/COACH RECRUITMENT AND PLACEMENT

The varying positions of coaches and physical educators, within the organizational concepts explicated above, would also require determination of the purposes for which teachers and/or coaches are employed. According to Title IX, it would be expected that equal opportunities will be assured men and women in every aspect of personnel management. NAGWS (3) proposes that to the extent that serving as a role model for students is deemed as one of the important purposes with respect to female students, it may weigh in favor of coaches of the same sex for single sex teams and numerical equality of the sexes in merged departments.

Although institutions may not be discriminating on the basis of sex, it may not be the most equitable arrangement if the personnel ratio is, say, 30 males and 10 females, or vice versa, where the ratio in the student body approximates 50% males and 50% females. The point should be made, however, that the accomplishment of expected goals is highly dependent on the degrees of interrelationships between and among personalities involved. Effective operations may be destroyed by forcing a department to employ a woman merely because she is that. The positive impact of a department and its quality also can be lessened by being forced to employ someone who is not identified with that program in the most favorable manner. For example, coaches of those sports, which demand most of their time, energy, and interest, cannot be expected to devote adequate resources to the accomplishment of goals in other areas of a department. In short, nothing in the corporate claim of the institution or the mandates of Title IX can outweigh the preeminent requirement that affects each staff differently, because they have personalities, preferences, and professional experiences which make for significant differences in performance, should be free to do their own best work. Thus, it is suggested that consideration be given to some potential teaching/coaching problems where various programs are amalgamated and harmonized within an integrated department.

Joint Appointments (e.g., teacher/coach) are perhaps the most problematic of placement concerns. A reciprocal understanding or agreement should be arrived at prior to the appointment of a joint-appointee by a mutual agreement of administrators in these areas. Such agreenent should spell out clearly the conditions and expectations in both oles (e.g., percentage of time devoted to each, professional qualificaions).

Duplicate Personnel—male and female teacher/coach—may be waranted in many teaching and coaching situations, since Title IX reuires that opportunities for participation in school-sponsored activiies be equally available to both sexes. Although basic structures of cheduling and course offerings are quite similar in many activities, tudent interest, skill level, and characteristics of the sport may differ ubstantially. The school's policy should not have the effect of excludng more females than males or of serving as a disincentive to either ex. For example, in gymnastics, where the equipment and skills differ balance beam and uneven parallel bars for females; rings, high bar, nd horse for males), provision may be made for a teacher/coach for emales and one for males. Major differences in volleyball and basketall for males also suggest the need for duplicate personnel. Provision night logically be made for other separate teams: female coaches of ield hockey, softball, synchronized swimming, and male coaches of ootball, baseball, water polo, soccer, wrestling. Provision might be nade for some coed teams and for a male or a female coach of these oed teams such as in archery, swimming, diving, fencing, and, as deired, in, say, volleyball, badminton, tennis.

Coed Professional Preparation Programs for prospective teachers nd coaches should provide the same reasonably equitable arrangenents—some courses taught by men, some by women, some by both, vith specific placements based upon faculty credentials. In theory ourses, the person most qualified to teach biomechanics, or whatever, vould have preference in this assignment. Obviously, such a mutual nterprise requires careful balancing of concerns in merged departments of physical education and athletics, as opposed to merely playng "musical chairs" with personnel in order to fit them into niches.

PERSONNEL EVALUATION

The kinds of problems and concerns, related to personnel recruitment and placement, identified in previous sections, also carry-over in terms of personnel evaluation. In compliance with the mandates of Title IX, university communities have proposed programs for review of personnel which may be helpful. One lively factor in evaluation of teachers is the well-known criteria (teaching effectiveness, research and scholarly activity, professional accomplishments and recognition) which form a cluster of measuring sticks purported to assess teaching. If these are general enough, they fit people in "our field" rather accurately. But, because of some specific purposes of physical education and athletics, in evaluation one must also think of how much this person's program costs in terms of results. And, what kind of results? Improved gate receipts? Improved chances to learn the newest and latest about physiology? Improved national recognition of the programs or the department and even the institution?

The factors for evaluating *administrators* are still fuzzier. If athletics is included, part of the picture would be how much money does the director or dean "bring in"? There are a good many items, however, that are unique to administrators in all areas. Among these there is probably general agreement on his or her relationships with staff members. Obviously on many other items, administrators in "our field" would be evaluated as would those in any department or school. In the previous pages, some recommendations were made regarding qualifications of Director or Dean of HPER that might be used to explicate further evaluative criteria.

On the subject of the evaluation of *coaches*, it would have to be concluded that such determinations are policy issues within each institution. Certainly it is apparent that in most institutions, in which the "big-time" sports pose problems of keeping up with the competition and the "price-elastic" nature of gate receipts, coaches are evaluated on the basis of win-loss records. It has been proposed that these sports and their personnel might be classified separately and presumably be evaluated by a set of criteria commensurate with the stated goals and objectives of these programs.

Although there is no consistent pattern of evaluative criteria for coaches, considerable unanimity does exist concerning the kinds of experiences that should be included in the preparation of coaches. In the matter of personal physical skills and abilities (e.g., an outstanding athlete makes the best coach) there is some controversy. Regardless of the position one takes as to the level of skill-model needed, one might assume that the personal skill of the teacher/coach is being given sufficient attention, based upon the emphasis given to skill attainment in many preparation programs.

There is general agreement that certain kinds of theoretical knowledge are necessary for the teacher or coach whether employed part-time or full-time, and regardless of what other subject matter he or she may teach. Knowledge of kinesiology-biomechanics, motor learning and performance, and exercise physiology is most pertinent to the core of teacher/coach practices. Commenting upon the import of theoretical knowledge in all professions, Lawson (6) quotes Bell, who states:

> ". . . the advances in a field become increasingly dependent on the primacy of theoretical work, which codifies what is known and points the way to empirical confirmation."

reparation models, thus evaluation models, must also include an unerstanding of: the relationship of the interscholastic athletic program o the total educational program, the best methods of bringing about esirable values, principles of performance and sound motivational rocedures, legal liability, local, state and national rules and regulaons.

CONCLUSION

These comments and recommendations are not intended to be exaustive or uncomplicated. They may, however, identify potential roblems and determining factors in planning for implementation of ie provisions of Title IX.

In searching for professional directions through the uncharted erritory of Title IX, one finds no fixed guideposts. The only current andmark, leading to a more promising anchorage than merely unrincipled conformity, is: implementation should fit the local situation s much as it seems desirable. The one certainty is that Title IX denands almost instant action. Hopefully such action will call forth tatesmanship and stateswomanship to create *preferred* programs for he future. In John McHale's sense of *The Future of the Future* (7),

> ". . . willing a future connotes more than wishful thinking; it involves an action-oriented commitment to the future in ways that transcend past constraints and present obstacles. The latter are often more apparent than real in our current affairs, where lip service to change is the norm that conceals even the strongest investments in the status quo."

REFERENCES

1. *Comments* of the National Collegiate Athletic Association to the Department of Health, Physical Education and Welfare on the Proposed Regulations in Title IX of the Education Amendments of 1972.
2. *Comments* of the Association for Intercollegiate Athletics for Women in the Matter of Proposed HEW Regulations to Effectuate Title IX of the Education Amendments of 1972.
3. *Comments* of the National Association for Girls and Women in Sport in the Matter of Proposed HEW Regulations to Effectuate Title IX of the Education Amendments of 1972.
4. Fornia, Dorothy L. "Signposts for the Seventies," *Journal of Health, Physical Education and Recreation,* October, 1972.
5. Fraleigh, Warren. "The Perplexed Professor," *Quest* VII, December, 1966.
6. Lawson, Hal A. "Physical Education and Sport: Alternatives for the Future," *Quest* XXI, January, 1974.
7. McHale, John. *The Future of the Future.* George Brazeller, Inc., 1969. ("The Sense of the Future" in *Quest* XXI, January, 1974, pp. 3-11.)
8. *Report to the American Council on Education.* "An Inquiry into the Need for and Feasibility of a National Study of Intercollegiate Athletics," prepared by George H. Hanford, 1974.

APPENDIX

CHECKLIST FOR SEXISM

Sandra F. Vanderstoep
S.U.C. at Brockport
State University of New York

Before assuming that the implementation of Title IX will cause some changes in your school, try tallying your school's sexism and score. Score 0 points if members of both sexes receive equal treatment, score 1 point if one sex is discriminated against.

A. Language—Symptomatic of Society; correction requires insistence

_______Males = Dr.; Females = Ms.

_______Male pronoun used exclusively

_______Basketball = men's vs. women's basketball

B. Conditions of Employment—union support frequently effective in reducing discrimination

_______APT Committee membership

_______APT Chairperson

_______Salary schedule within rank

_______Faculty promoted   number of men = number of women

_______Faculty tenured

_______Pregnancy leave

_______Sabbaticals

C. Teaching Responsibilities

_______Coeducation Offerings staffed equally by men and women

_______Graduate courses

_______Undergraduate theory courses

_______Student/Faculty ratio

_______Athlete/Coach ratio

_______Workload for identical assignments

D. Facilities and Equipment

_______Availability of facilities

_______Maintenance

_______Towels

_______Uniforms—Quality, Home/Away

________Lockers

________Equipment guidelines

E. Support Services

________Trainers

________Secretaries

________Managers

________Custodial

________Computer time

F. Office Concerns

________Size

________Lighting

________Furniture

________Number in office

________Telephone

________Proximity to secretary

G. Publicity

________Campus newspaper

________Local news releases

________TV

________Cheerleaders

If your score is 30 or higher, take radical steps—legal assistance will give you clout; 20-30 unite your forces and submit action proposals—there is hope; 10-20 overt discrimination rare, count more likely especially if scores were tallied under conditions of employment—push for improvement; 0-10 be thankful for employment at this institution.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF EDUCATION
HARRISBURG, PENNSYLVANIA 17126

JOHN C. PITTENGER
SECRETARY

AREA CODE 717
787-5880

TESTIMONY TO THE SENATE SUBCOMMITTEE ON EDUCATION ON SENATE BILL 2106

September 19, 1975

As chief school administrator for the Commonwealth of Pennsylvania I am pleased to submit testimony concerning Senate Bill 2106, an amendment to Title IX of the Education Amendments of 1972. Further, I welcome this as an opportunity to extend upon comments I submitted October 8, 1974, on the then-proposed Title IX implementing regulations.

Senate Bill 2106 proposes to Amend Title IX to exempt intercollegiate athletic activities which are to any degree self-financing. I suggest that not only is there convincing or compelling rationale for such an exception, but that it would constitute an unwise precedent, susceptible to abuse.

It is difficult to understand why intercollegiate athletic activities should not be subject to the same legal restraints as those governing other activities sponsored, supported and conducted by recipient institutions. Clearly, the relationship between the interscholastic athletic program and the recipient institution is substantial; it involves funding (in a variety of forms, including mandated student fees, scholarship support and the benefits of capital investment) as well as employment, program and facility scheduling and admissions. Clearly, too, we must acknowledge in interscholastic athletics historic and wide discrimination in scheduling, coaching, facilities and funding, with many institutions funding male sports at a level one hundred times higher than female sports.

In both respects, then -- the relationship to the institution and the presence of inequities -- interscholastic athletic activities are appropriately covered under Title IX. They are not to be distinguished from intramural or physical education activities, from other intercollegiate activities such as debate or agricultural competition or, for that matter, from any other aspect of higher education.

I suggest to you that any exemptions from Title IX should be weighed most carefully, and that an exemption in this particular area where past and present inequities are serious and numerous, should most certainly be avoided. Exemption of interscholastic athletics would represent a serious philosophical and statutory retreat from equal opportunity.

I urge you not to underestimate the impact of such a retreat. The proposed amendment would most certainly work to the disadvantage of interscholastic athletic opportunities for women. It would have the effect of penalizing those who worked diligently under adverse conditions to develope the limited programs for women that now exist. By placing institutions under no obligation to equalize traditional disparities, it would substantially reward them for past discrimination.

Further, this bill might well condine new and expanded inequities, particularly since we have little evidence that institutions will move voluntarily in significant ways to equalize interscholastic athletic activities. It would take but a single donation, entry fee or mandated student fee -- designated "required" by the institution -- to exempt additional activities. I believe it is not unfair to suggest that such additional exemptions would widen the present gap in opportunities by justifying increased disparities in the support given to male and female sports. This potential is especially disturbing since the proposed amendment would affect all aspects of athletic activities; employment, scholarships, medical and insurance protection, travel, recruitment, publicity and press coverage, maintenance, facilities, coaching and equipment.

The language of Senate Bill 2106 makes its possible abuse an even more pressing issue. It is unclear precisely what division of a total intercollegiate athletics program constitutes an "activity." Similarly confusing is the allowable lattitude given to instructions in determining whether receipts and donations are required.

I close with one final caution. Although Title IX has been on the books since 1972, implementing regulations went into effect only two months ago. In the interests of full opportunity in all aspects of education, I urge you most strongly -- in the case of this bill and others like it -- to resist the pressure to amend Title IX before we have even the most preliminary understanding of its impact.

Thank you for the opportunity to participate in these deliberations.

John C. Pittenger

John C. Pittenger

[From the Washington Post, Sunday, July 20, 1975]

Maryland Athletics: A Financial Struggle

By Mark Asher

Washington Post Staff Writer

(The writer, who regularly covers University of Maryland athletics, has spent the past four months compiling an authentic profile of the university's athletic department—one of the nation's most successful intercollegiate programs. The following is his report.)

The University of Maryland athletic program was not self-supporting in fiscal year 1974 despite generating revenues of more than $2.7 million.

Why? Because running the athletic department cost more than $3 million during the last accounting period for which complete figures are available. The fiscal year covers the 1973-74 school year.

The Maryland athletic department generated the $2.7 million in the following ways: mandatory student fees, $768,000; football income, $830,000; basketball income, $400,000; donations for student aid, $200,000; golf course receipts, $186,000; other incomes, including programs, interest on investments, concessions and some radio-television fees, $410,000.

Here is how Maryland spent more than $3 million on atheltics:

Football, $863,000; basketball, $396,000; administration, not including financial aid to athletes, $708,000; scholarships and grants-in-aid, $840,000; guarantees to visiting football teams, $225,000; other men's sports, $235,000; women's sports, $22,300; other expenses, $110,000; golf course, $180,000.

Of the approximately $300,000 deficit, about $202,000 was spent on university-supported student aid for athletes in nonrevenue, or minor, men's sports, and $91,000 was a bookkeeping loss.

Athletic director Jim Kehoe, however, disputes the $91,000 loss. He said that only one figure counts: the bottom line. The bottom line, which excludes university scholarships and campus jobs, was approximately $40,000 on the profit side at the end of fiscal year 1974. The bottom line includes unspent profits from previous years.

Kehoe said the following expenditures accounted for the $91,000 bookkeeping loss in fiscal year 1974: improvements in the football press box; dugout repairs at Shipley Field, the baseball stadium; the air-conditioning of the golf course clubhouse; the installation of some aluminum seats in Byrd Stadium, and the purchase of some temporary stands for Byrd Stadium.

Maryland's "bottom line" plummeted to a 1969 deficit of $170,000 following the Jim Tatum heyday of the early 1950s. It has recovered in the six years of Kehoe's directorship. The Terrapin football and basketball teams were nationally ranked last season.

Yet, it took the most successful year on the field and the biggest 12-month bonanza in athletic fund-raising ($530,000) in its history for Maryland to make approximately $30,000 and increase his bottom line to approximately $110,000, according to Kehoe's preliminary reports at the end of fiscal year 1975 on June 30.

University-supported scholarships and workships are not figured in these totals. Final figures for fiscal year 1975 are not yet available on public record.

The profit for fiscal year 1975 was made possible by two Maryland appearances on NCAA football telecasts, by Kehoe's transfer of a home football game against Florida to Tampa and clearing a school-record $175,000 in the process and by earning about $55,000 in interests on short-term bank notes.

Kehoe said that expenditures for fiscal year 1975 included $90,000 for improvements to capital facilities and $100,000 being set aside for repairs to Byrd Stadium.

The major reasons for the Maryland athletic department's financial worries are inflation and past indifference. The latter, following the Tatum era, left fund raising at a standstill and football—normally a program's major revenue producer—receding to the point where as recently as fiscal year 1973 basketball was producing more income. Most major schools depend on football receipts to support their total program.

Inflation has prompted an emergency National Collegiate Athletic Association convention on economic cutbacks next month.

For instance, Maryland will pay 27 per cent more this year for the same football trip it made to Clemson, S.C., two years ago.

The convention will consider job cutbacks and limits on spending. Under some proposals, Maryland would have to fire as many as three assistant football coaches and one assistant basketball coach.

Kehoe had been counting on a $230,000 profit last fiscal year before his department—and the nation—felt the crunch of inflation. Among Kehoe's efforts to save money was a suggestion that basketball coach Lefty Driesell recruit closer to College Park whenever possible.

Sources said $35,000 was spent on basketball recruiting last season, compared with $70,000 the previous year.

Kehoe Reports $50,000 Profit for Best Year on Field

Additionally, the athletic department saves money on some maintenance and utility bills paid out of general university funds, and on a sizable portion of some coaches' salaries in cases where they are carried as employees of other departments in which they also work.

The athletic department is not charged for maintenance or utilities at facilities (Cole Field House included) also used for educational purposes. The only athletic facility not exempted is Byrd Stadium. An estimate of these savings was unavailable.

But the savings on coaches' salaries was $168,282 last fiscal year. Most of this money was paid by the physical education department, which employs wrestling coach Scully Krouse, baseball coach Jack Jackson, swimming coach Bill Campbell and women's athletic coordinator Dottie McKnight, among others.

The athletic department also holds a sizable share of the university's endowment fund. The athletic department has held shares in this fund since the Tatum days, the 1947-55 seasons, when profits from bowl appearances went into it.

By 1972, the athletic department's share of the fund was worth more than $1 million. It is now valued at slightly less than $800,000. About $600,000 was transferred to the university in 1973 to pay for a football lockerroom/weightroom behind Byrd Stadium.

To overcome Maryland's financial worries in athletics, Kehoe has gone heavily into fund-raising, promotions and money-saving schemes to bolster the multimillion dollar business that many schools consider the best way to get favorable publicity, students and alumni contributions.

In such a context it is not surprising that coaches like Driesell, and lesser-known fund-raisers like Maryland's Tom Fields, earn more in salary, commissions and fringe benefits than their university president.

Under the directorship of Fields, the Maryland Educational Foundation—the athletic department's fund-raising arm—has set a goal of $10 million, from which interest could be drawn to pay athletic scholarship costs.

The MEF raised $330,000 in fiscal 1975, compared with $80,000 in 1969, the year before Kehoe hired Fields. Each year part of MEF's collections are invested. That fund totaled more than $1 million before June 30, when MEF paid the university $296,000 for grants-in-aid.

A recent NCAA survey showed that more than 90 per cent of the nation's major athletic programs were losing money. Many are supposed to be self-supporting. Few, if any, are.

Maryland relies heavily on university-funded scholarships in fielding such non-revenue-producing men's teams as baseball, track, lacrosse, golf, tennis, wrestling, swimming, soccer and fencing.

Its athletes hold about $202,000 worth of university-funded scholarships and campus jobs. Female athletes in eight non-revenue-producing sports receive no financial aid.

Last academic year, 109 football players were on scholarships, nine basketball players received full grants-in-aid and 187 athletes in non-revenue-producing sports received aid. Overall, there were 6,567 academic and athletic scholarships awarded at Maryland in 1974-75.

H. Palmer Hopkins, university director of student aid, said some scholarships held by athletes in nonrevenue-producing sports are granted on a need basis and are not specifically set aside for athletes. But he added that coaches work aggressively to secure scholarships for their prospective athletes.

In Kehoe's six years as athletic director, his department has spent $906,[illegible] out of operating capital for grants-in-aid. At many athletic powerhouses, a counterpart of MEF covers all grants-in-aid costs. Maryland is working toward this goal.

The athletic department paid the university $102,005 for grants-in-aid recently for the last academic year. It was the smallest annual amount in Kehoe's tenure. Fields said the foundation expects to be able to pay for all Maryland grants-in-aid by June, 1977.

Besides reviving the Maryland Educational Foundation, one of Kehoe's first moves was on the promotional front. He hired Russ Potts, a former sports editor of the school newspaper, and went heavily into newspaper and television advertising.

"You have to spend money to make money," said Kehoe.

Sometimes, though, he does not have to pay cash for advertising. Some radio and television stations trade time in exchange for season tickets and program ads. Maryland's promotion department is considered a model for other schools.

Kehoe said that administrators from 20 colleges and universities visited Maryland in the past year to observe Potts' operation.

Few contest that Kehoe runs one of the most up-to-date cost-monitoring systems in intercollegiate sports. Kehoe added personnel to general administration to implement cost-monitoring and efficiency; he also invested more money in getting football and basketball on solid footing, and tightened spending in the non-revenue sports.

Kehoe keeps a tight rain on all spending, with one exception: recruiting basketball and football players.

Kehoe is not only good at negotiating ways to save money; he is often clever.

For example, the football game against the University of Florida last season was originally scheduled as one of seven games at College Park. Kehoe said he doubted Florida's drawing power, found a promoter willing to back the game in Tampa and made $175,000 profit.

The net profit from this game was the biggest in the school's history, Kehoe said.

Like many other schools, Maryland has had a problem with medical insurance. Two companies in successive fiscal years (1973 and 1974) would not renew Maryland's policy after paying out twice what the school paid in premiums.

Last year Maryland got a policy with Blue Shield-Blue Cross for a $25,000 premium. The athletic department received only about half that much in benefits.

This year Maryland's athletic department will pay $2,000 for what Kehoe calls "calamity" insurance. It is a $1,000-deductible policy. Kehoe figures to save $10,000 to $12,000 on the $25,000 Blue Cross premiums.

Many of Kehoe's policies and concepts are controversial.

For instance, his strong opposition to Title 9—on the grounds that women's sports will not pay for themselves—has increased opposition toward him from women's rights groups and student organizations.

In addition, there is the controversial practice of football coach Jim Claiborne and Driesell of running summer camps for personal profit at facilities belonging to a public university. The coaches pay the athletic department 10 per cent of their gross profit as rent. Kehoe estimates revenue from the camps at $12,000 to $15,000 last year, with most of coming from basketball. He estimates $20,000 to $25,000 revenue from rental fees this summer.

Kehoe's Administrative Role Extends to Coffee, Cream

Kehoe defends the camps, noting he could not keep a coach like Driesell or Claiborne without such an arrangement (Driesell's earnings from salary, camp, television show and endorsements are estimated to be in the $100,000 range). Kehoe said that it also is good publicity for the school; all major universities do it.

All major varsity coaches, plus the assistants in football and basketball, drive "courtesy cars.' In exchange, the auto dealerships get program advertising and season tickets. Kehoe says the practice is "good business" because, as of his last accounting, the cars trimmed expenses by $36,000 annually.

Student fees represent $685,955 of the athletic department income, or a little less than 24 per cent for fiscal year 1974. Another NCAA survey showed that income from student fees at other major schools averaged about 12 per cent of their revenues.

Each of Maryland's 23,100 students paid an annual athletic fee of $30, theoretically giving each student a ticket to all football and basketball games. In basketball, with limited seating, about 9,500 tickets, according to Kehoe, are set aside for students and disbursed on a first-come, first-served basis. Student tickets not claimed 48 hours before a game are sold to the public.

Kehoe wants the athletic fee raised because of inflation and the implementation of Title 9. Some Maryland sources predict any attempt to increase student fees will result in their abolition. Kehoe said elimination of student tickets and sale of tickets, game by game, was "too big a gamble."

Although some students have frequently criticized the fees as a way of forcing them to subsidize a university business, the university senate backed student fees in a 1973 investigation of the athletic department.

The 11-member investigating committee, of which both Kehoe and McKnight were members, concluded that student fees were acceptable. The committee also endorsed university scholarships, commenting that while self-support is desirable in principle, some university subsidizing was justified because sports provide an entertainment outlet for the entire university community.

The university-funded tuition-onl scholarships have been the backbone of the nonrevenue, or minor, sports.

Tuition accounts for 25 per cent of a full grant-in-aid allowed by the NCAA for an in-state student and 48 per cent for an out-of-state student. According to Kehoe's figures, 77 of the 129 tuition-only need scholarships are held by out-of-state students.

An in-state "full ride," in athletic de-department parlance, is worth $2,282, of which tuition is $560. An out-of-state full ride is $3,532, of which tuition is $1,710.

Hopkins, the director of student aid and a onetime soccer and baseball coach, suggested coaches succeed in getting the scholarships because they are aggressive.

"Under normal circumstances, we don't know if we're making an award to men or women," Hopkins said. "In the case of athletes, we are aware; there's no way not to be. Coaches (at Maryland) write a letter; they have his high school coach write a letter.

"Anybody they want, they're going to do anything they can to get," he added. "Coaches are aggressive people; if there's 10 cents to be found, they'll find it."

Whenever any other ACC team is on television or appearing in postseason games, Maryland also is getting a share.

The athletic front office is in no way set, Kehoe said.

He is installing a computerized ticket system and has promoted Bob Wall from business manager to be his assistant in charge of facilities and booking outside events into Cole Field House. Wall is also is in charge of improving concessions at Cole. Concessions are run by the university's food service; the athletic department's share of profit was $46,533.76 in fiscal year 1974.

In going after outside shows, Wall has discovered the impact of Capital Centre, an 18,787-seat arena that opened in December, 1973. Wall said that some promoters will not do business with him for fear that Capital Centre will retaliate, by refusing to book the promoters' other acts.

Kehoe said Cole Field House is not in competition with Capital Centre. He said he would like to book shows with a drawing capacity of about 8,000, which is generally considered the break-even point at Capital Centre.

The athletic department also sells tickets to road games, administers NCAA events held at Maryland and organizes trips by fans to games.

These activities appeared in the university's financial report for 1974 as a $514,000 item entitled "Sports Promotion Revolving Fund." The $514,000 item appears in the financial report under a section titled "Athletics—Suburban Trust Company."

Kehoe explained that the money is neither revenue generated by his department nor expenses incurred by it. The department simply acts as a clearing house, he said. The department, of course, can earn money from it on short-term investments.

The "Sports Promotion Revolving Fund" is not included in The Washington Post's total of $2.7 million revenues and $3 million expenditures.

Athletic department operating funds have been on deposit in two accounts, one of them the Suburban Trust Company account, since the Tatum days, at least. The rest of the department's operating funds are on deposit with the state treasurer.

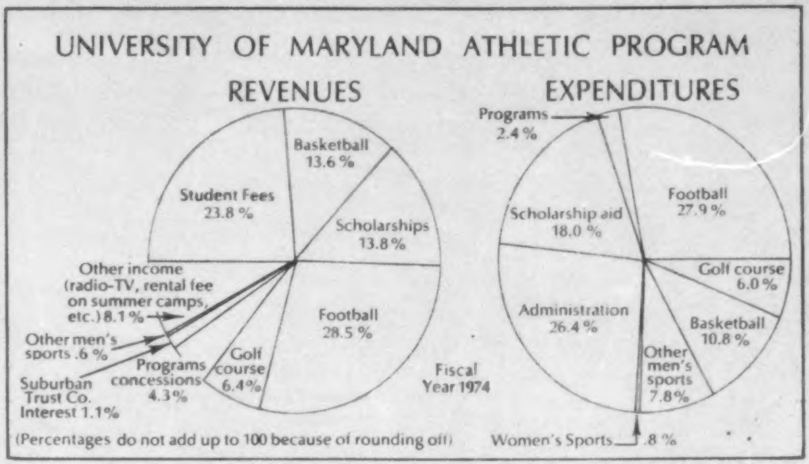
In 1973, a state legislative auditor's report found the Suburban Trust Co. account in technical violation of Maryland law since it did not have the approval of the state treasurer. It now does.

Kehoe said his department's operating funds are in two accounts for convenience. The state treasury account, listed under self-supported activities in the university's financial report, includes salaries of department personnel, office expense, and the golf course. Its revenues include student fees, golf course and driving range receipts and a transfer of gate receipts from the Suburban Trust Co. account to balance the first account.

The Suburban Trust Co. account is used to pay immediate expenses and bills, for trips and for officials. For instance, a game official is paid the night of the game from this fund, rather than waiting for a voucher to go through red tape.

Part of the Suburban Trust Co. account is invested. The interest on the money in fiscal year 1974 was $33 315.

Football Major Fiscal Problem in Maryland Athletics



(Percentages do not add up to 100 because of rounding off)

By Bill Perkins—The Washington Post

College athletic directors almost always depend on football to support the rest of their programs. Such is not the case at the University of Maryland and that fact ranks as the major financial problem in intercollegiate athletics at College Park.

Football, not including scholarship costs, lost $9,713.34 in fiscal year 1974, which covered the 1973 season, the last season for which complete figures are available and public.

Football income was $833,605.80 against expenditures of $843,319.14, including slightly more than $224,000 in guarantees to visiting teams.

The football deficit for the 1972 season, covered in fiscal year 1973, was $196,472.56. Preliminary reports for the 1974 season, covered in fiscal year 1975, which ended June 30, estimate that football will show a profit.

Basketball, a loser at most schools, has been a winner both competitively and financially since Kehoe hired flamboyant coach Lefty Driesell before the 1969-70 season.

The basketball program was losing about $100,000 annually when Driesell took over. Basketball income increased almost five-fold in Driesell's first five year, to $397,283 for the 1973-74 season and showed a profit of $70,204 for that season.

The margin of profit on basketball sales, in businessman's terms, was 17.7 per cent.

Basketball also brings in a $5,000 per-game rights fee for all home games telecast independently on WMAL-TV and another $1,500 if the game also is carried by a Baltimore outlet.

However, because seating capacity is limited, so is the earning potential of basketball. Because football stadiums are larger, football is the major money producer of a major athletic power that professes to be self-supporting.

Maryland's football stadium seats 44,000, a capacity that can be increased by renting temporary bleachers. The average seating capacity was 77,051 at 10 other major schools: Oklahoma, Texas, Southern California, Alabama, Penn State, Michigan, Ohio State, Nebraska, Auburn and Notre Dame. Penn State's 57,538 capacity was smallest.

The National Collegiate Athletic Association recently cited three "typical" intercollegiate athletic budgets in an appeal to a senator's aide for help in fighting Title 9 legislation. Each budget anticipated football income of at least $1.7 million. From 1966 until 1974, Maryland's best year for football income as $809,384 in 1974.

"A sheer, total disaster" is how Kehoe described football during the 16 years between the departure of Jim Tatum in 1956 and before the signing of Jerry Claiborne for the 1972 season.

In the season before Claiborne's arrival, basketball income surpassed football income by almost $20,000.

According to a 1956 study by The Washington Post, Maryland expected $315,000 in football revenue for the 1956 season, the first under Bill Cobey as athletic director and Tom Mont as coach. Football costs, not including scholarships, were estimated at $82,000.

In fiscal year 1972, Roy Lester's third and final season as coach, football income was $360,367, an increase of 14.3 per cent over Mont's first season. But costs for the same year had risen to $527,387, an increase of 543 per cent over Mont's first year. These figures do not include guarantees to visiting teams.

Income increased by only $45,000 despite an increase in ticket prices from $4 to $6 per game. But equipment costs also soared. A $16.50 pair of football shoes in 1955 cost $24 in 1965 and $39 in 1975 and a $14.50 game football in 1955 cost $20.50 in 1965 and $28.50 in 1975.

The loss for Maryland's football program in fiscal year 1972 was $166,980.

Instead of cutting back and trying to reduce expenses under Claiborne, the new coach, Kehoe put into practice his philosophy: "You have to spend money to make money.

"The solution," said Kehoe, "was not to cut back more, but to put money into the program and to reorganize the program. A hotel goes bankrupt; the new owner spends a lot of money to refurbish it. He has to spend money to make money."

Of the $843,319 that football spent in fiscal year 1974, more than 61 per cent went for payroll ($291,158) and guarantees to visiting teams ($224,224).

According to the university's detailed budget for that year, Claiborne and 10 full-time assistant coaches were paid $178,260. Claiborne's salary was $32,000. In addition, two secretaries were paid $18,223, part-time help was paid $56,583.80, while fringe benefits, such as unemployment insurance, hospitalization, employees' retirement and social security, came to $21,638.

The 1975 detailed budget put Claiborne's salary at $36,227 with a total payroll for the head coach and his assistants of $200,737, an increase of 12.6 per cent, or about $2,500 per coach, over the previous season. It followed Maryland's first postseason bowl appearance in 19 years.

Basketball is an easier program to place on a solid financial footing because fewer bodies are needed. Driesell admits that his budget is virtually unlimited, but he also brings in more than he spends.

In the pre-Driesell days, Cole Field House had a different appearance than it does today during a North Carolina, N.C. State or Clemson game when standing-room only crowds of more than 14,500 attend, despite free home television.

In the old days, Cole had no floor seats. To some, it seemed that the court was situated on an oasis. By installing 2,500 floor seats, Driesell improved his home-court advantage, as well as Maryland's gate receipts.

Under Driesell, basketball income more than tripled in two seasons.

From $82,990 in fiscal year 1969 under Frank Fellows, income went to $152,827 in fiscal year 1970 and to $292,011 in fiscal 1971.

The 1969 basketball payroll for the coaching staff and secretaries was $43,717, plus another $8,734 for part time help.

For last season, Driesell's salary was $35,000. The total payroll for five full-timers and part-time help was $126,135, an increase of 141 per cent in six years.

Maryland spent $70,000 recruiting players in 1974, when it attempted to sign athletes from Utah, Mississippi and Tennessee.

The Terrapins failed to sign any of the three. Driesell has said that Maryland spent $20,000 trying to sign a player from Provo, Utah, Brett Vroman. He now attends UCLA.

When questioned, Kehoe said that he talked to Driesell about recruiting closer to home whenever possible. Sources said Driesell spent $15,000 in recruiting this year and finished his recruiting season early. Of five players signed to grants-in-aid, two attended high school in the Washington area and two more in Baltimore.

The other athlete, 6-foot-8 Lawrence Boston, attended junior college in Vincennes, Ind. A source close to the Maryland program estimated that members of the Maryland staff went to Vincennes at least 10 times, mainly to keep in close touch with Boston. This is standard procedure, and costly for big-time programs.

* * *

The following income figures are compiled from University of Maryland financial reports, which do not include guarantees given to visiting teams.

		Football	Basketball
Fiscal year	1974	$809,384	$397,283
	1973	338,754	319,635
	1972	360,367	380,004
	1971	383,356	293,051
	1970	532,082	152,827
	1969	404,417	82,990
	1968	533,383	77,700
	1967	463,745	76,082
	1966	351,148	75,047

State Scholarships Aid Minor Sports

Increased Student Fee Hinted to Offset Added Women's Expenses

Sully Krouse, the Maryland wrestling coach, keeps track of his available financial aid on the cover of a manila file folder. He calls it his "Chinese jigsaw puzzle."

When all the pieces of revenue fit together in wrestling and eight other nonrevenue-producing men's sports, Maryland's so-called minor sports program is a major expense. It is subsidized to a large extent by the university through state-supported scholarships granted on a need basis and through campus jobs.

H. Palmer Hopkins, university director of student aid, denies that these scholarships—numbering 129 in fiscal year 1975 and worth $157,340—are allocated directly to athletics.

The total expense for operating Maryland's nine nonrevenue men's sports in fiscal year 1974 was $801,074.16, according to university financial reports and athletic department data made available to The Washington Post. The athletic department also ran eight women's varsity sports that year at a cost of $23,623. Maryland does not give athletic scholarships in women's sports.

Jim Kehoe, university athletic director, said that women's figure does not include administrative and training costs covered by his office.

Kehoe opposes Title 9 anti-sex-bias rules for athletics on grounds that intercollegiate athletics is a business and that women's sports will not generate income to offset added expenses.

Th university's board of regents recently ordered all university departments to comply immediately with Title 9 rules, which are included in a 1972 omnibus education bill.

At the time, Herbert Brown, new chairman of the board of regents, hihted that the mandatory student athletic fee—now $30 a school year—may be increased to cover the added expense of upgrading women's sports.

Student fees accounted for $690,986 in income in fiscal year 1974. A $10 increase in the fee would produce approximately $230,000 in additional revenue. Some university sources believe that an attempt to raise the student fee, a controversial campus subject, might result in its abolition. The fee has not been changed since 1970.

The nonrevenue-producing men's sports received $253,436 in financial aid in fiscal 1974. More than $202,000, or 80 per cent of the total, was in the form of state-supported need scholarships and "workships," or on-campus jobs. Other aid is paid for by the Maryland Educational Foundation, the M Club and the athletic department. The M Club is an alumni group.

Expenses totaled $247,619, according to university financial reports. Eight coaches in nonrevenue sports also received $85,063 in salary from other university departments on whose books they also are carried.

Proposals to reduce financial aid by as much as 40 per cent in the nonmoney-making men's sports will be before an emergency NCAA convention on economics Aug. 14-15 in Chicago.

The convention also will consider cutbacks of approximately 25 per cent in football and basketball grants-in-aid.

As with basketball and football, there are NCAA limits on grants-in-aid in each of the men's sports that do not generate income. But, unlike the two major sports, a full grant-in-aid can be divided among two or more athletes. The total dollar value of campus and off-campus jobs count in figuring how many grants-in-aid a school is using.

Last year, 187 students (including diver Terry Schrider, the only female athlete on scholarship) received some sort of financial aid in the nonrevenue-producing men's sports. Maryland awarded 96.26 of 146 full scholarships allowed under NCAA rules.

The in-state, tuition-only, need scholarship, the kind Schrider had, is worth $560, or 25 per cent of a full grant-in-aid; the out-of-state tuition-only need scholarship is worth $1,710, or 40 per cent of a full grant-in-aid. According to athletic department figures, 55 in-state and 74 out-of-state tuition-only scholarships were given to athletes last year.

Al Hanlon, assistant athletic director, keeps a loose-leaf ledger of financial aid to athletes in sports other than football and basketball. Such a record is necessary to comply with NCAA regulations of total aid allowable in these sports.

A list in the ledger of in-state and out-of-state tuition-only need scholarships is described by Kehoe as "a guideline" and not an allocation from the office of student aid.

Track receives the most aid, with 40 athletes on financial assistance using 20.25 of an allowable 23 full scholarships. Kehoe puts emphasis on winning the Carmichael Cup, given for overall team performance in 13 ACC varsity sports, and notes that three of five championships won by Maryland last year were in track. The Terrapins finished first in football, basketball, cross country, indoor track and outdoor track.

Here is a closer sport-by-sport breakdown of financial aid in the sports not figured on to produce revenue (Editor's note: track, lacrosse and wrestling produced a little more than $10,000 in 1973-74 gate receipts):

BASEBALL—Awards 12.97 of 19 scholarships allowed by NCAA. A total of 25 players and managers receive aid ranging from 22 per cent to 90 per cent of a full scholarship. Listed in Kehoe's guidelines for 11 in-state and 10 out-of-state tuition-only scholarships. Also receives $900 from Maryland Educational Foundation and $3,000 from M Club.

FENCING—Maryland's newest varsity sport. Started in 1972 to stay even with North Carolina in Carmichael Cup race. Awards 2.61 of eight scholarships allowed by NCAA. Six fencers on aid. Listed in Kehoe's guidelines for three in-state and three out-of-state scholarships. Also receives $3,000 from M Club and $500 from MEF.

GOLF—Awards 7.7 of eight scholarships allowed by NCAA. A total of 17 players on aid, including four on-campus jobs and one room-and-board workship, a dormitory job calling for 15 hours work per week. Listed for six in-state and six out-of-state tuition-only scholarships. Also receives $3,000 from M Club, $1,500 from MEF and listed for $3,025 in private donations.

LACROSSE—Maryland finished second in ACC, but won NCAA tournament in 1975. Awards 14.88 of 23 scholarships allowed by NCAA. A total of 29 players on aid, including all-America Frank Urso, one of few players outside basketball and football to receive $15 a month in laundry money. Listed for six in-state and 10 out-of-state tuition-only scholarships. Also receives $3,000 from M Club and $2,800 from MEF. Additionally, nine players are housed in rooms at Byrd Stadium.

SOCCER—Awards 6.53 of 10 scholarships allowed by NCAA. A total of 13 players on aid, with seven players receiving a little more than six full scholarships. Listed for seven in-state and seven out-of-state tuition-only scholarships. Also receives three full room-and-board workships and has two players with campus jobs. Additionally it receives $3,000 from M Club and $1,000 from MEF.

SWIMMING—Awards 8.81 of 19 scholarships allowed by NCAA. A total of 21 players on aid, with four getting 75 per cent or more of a full scholarship. Listed for four in-state and nine out-of-state tuition-only scholarships. Receives $3,000 from M Club and $1,000 from MEF. Seven swimmers and divers hold on-campus jobs as lifeguards and two more receive room-only workships.

TENNIS—Awards 4.96 of eight scholarships allowed by NCAA (basketball star John Lucas, the No. 1 tennis player, does not count in the total of eight athletes who receive aid). Listed for three in-state and five out-of-state tuition-only scholarships. Receives $3,000 from M Club and $1,000 from MEF. Three tennis players are housed in Byrd Stadium.

TRACK—Awards 20.25 of 23 scholarships allowed by NCAA. A total of 40 players on aid in three sports covered by track. Eight of the 40 receive 80 per cent or more of a full scholarship and another 15 athletes receive between 49 and 70 per cent. Listed for nine in-state and 13 out-of-state tuition-only scholarships. Also receives $8,800 from M Club and $3,800 from MEF. Will receive two dormitory rooms (Four beds) in Ellicott Hall to be paid by athletic department in place of four workships which have been eliminated. One runner housed in Byrd Stadium and another in Ritchie Coliseum.

WRESTLING—Awards 17.51 of 19 scholarships allowed by NCAA. Reason for being so near the limit is coach Krouse's contacts for on- and off-campus jobs. Total of 23 players on aid, 12 of whom receive 80 per cent or more. Listed for six in-state and 11 out-of-state scholarships. Additionally receives $3,000 from M Club and $1,000 from MEF. Twenty wrestlers are housed in Ritchie Coliseum.

Parts of Byrd Stadium and Ritchie Coliseum, the basketball arena before Cole Field House was built, house 50-60 athletes, according to Kehoe. These rooms are called fringe housing by the university; the only expense paid by the athletic department is their maintenance.

At an average cost of $595 per athlete per academic year, this housing saves the athletic department more than $30,000 a year. The university also is phasing out the "workships," or on-campus dormitory jobs, which Kehoe has called "the backbone of so-called minor sports."

Kehoe asked for and was given $13,000 by the University in the spring of 1973 and another $25,000 in university funds for fiscal 1974 in place of the workships. No such cash arrangement exists now, Kehoe said.

Kehoe keeps his nonrevenue-producing sports on rigid budgets. If a sport overspends one year, the money is taken out of its next year's budget. If the sport underspends, the difference may be used in future years.

At least three coaches agree, however, that Kehoe has never turned them down on a reasonable request.

"He's told us that when the football program starts making big money we'll all get part of it," said swimming coach Bill Campbell.

Under Bill Cobey, the former athletic director, detailed books for each sport were not kept. Coaches merely presented the bill for payment. It was an era when a single clerk handled athletic department finances, using her check stubs as the accounting record.

Today, Kehoe says that he has not cut one men's "minor" sports budget in six years. The reason is more careful appropriation of money. For example, Kehoe said that intersectional trips have been eliminated and four trips to North Carolina's Tobacco Road reduced to two or one.

In fiscal 1969, the last year of the Cobey regime, spending on non-revenue-producing men's sports totaled $142,400. In fiscal 1973 it was $182,280 and in fiscal 1974 it rose to $235,118.

The university financial report listed the following fiscal year 1974 expenses for women's intercollegiate sports: salaries and fringe benefits $7,310; administration $1,238; basketball $3,983; field hockey $2,110; lacrosse $1,858; swimming $2,[illegible]5; tennis $1,290; volleyball $1,785; track $1,906.

Before the board of regents' order to implement Title 9 rules immediately, the university chancellor then, Charles E. Bishop, outlined the school's policy on women's athletics in a Feb. 15, 1974, letter to the Eastern Association for Intercollegiate Athletics for women:

"The emphasis, clearly," concluded Bishop, "is on the development of the program and the quality of education offered to the individual participants. The awarding of scholarships for participants in women's athletics is not a goal of the program as established at the University of Maryland.

"This position has been endorsed by both the director of athletics and the coordinator of women's athletics, as well as the women's coaching staff."

Budgets for fiscal 1976, which started July 1, call for $60,000 for women's athletics, double the 1975 figure, according to Kehoe.

On Friday, Kehoe said expenditures on women's sports were $60,300.99 for fiscal year 1975. He said this figure was double what was budgeted. He said he expects women's sports expenditures for fiscal 1976 to exceed $100,000, even without what he called "adjustments" as a result of Title 9.

If student fees are increased by $10 and the money used entirely for women's athletics, the program would have about $230,000.

The student fee has been a source of controversy among some students, who claim they are being asked to subsidize a university business. One former student said it is no different than being charged a mandatory fee because some university official decided to make soft drinks available on demand throughout the campus.

The fee entitles the student to a season ticket for all athletic events, whether he wants it or not. For basketball, with limited seating capacity, tickets are distributed on a first-come, first-served basis.

In 1973, an ad hoc committee of the university senate recommended keeping the student fee in athletics and also looked favorably on using university funds to assist athletes in the lesser sports.

Driesell, Claiborne Salaries Only Base for Total Income

The salaries of all University of Maryland employees are printed in the university's "detailed budget." For some members of the athletic department, however, this figure is merely base pay.

There are summer camps in the state university's facilities for head coaches, courtesy cars for all head coaches and assistants in football and basketball, commissions for fund-raisers and a promotion man.

For basketball coach Lefty Driesell, his summer camp—which grosses approximately $172,500 in three weeks—helps increase his annual salary to about $100,000.

Jim Kehoe, Maryland's athletic director, said that such fringe benefits—above and beyond the standard benefits such as insurance and a retirement fund—are the only means by which Maryland and other high-octane athletic programs can be successful.

"I couldn't pay and wouldn't pay Driesell and (football coach Jerry) Claiborne any more than they're being paid salary wise because we are a state institution," Kehoe said. "We have chancellors, vice chancellors, deans and department heads, and obviously there's a limit to what we can pay them (the coaches)."

Kehoe predicted that elimination of summer camps would force a re-evaluation of the basketball and football programs because he would not be able to afford such capable coaches.

Many such fringe benefits are not limited to the department of intercollegiate athletics. Dr. Wilson Elkins, the university president, receives use of a house and a state car in addition to his $48,000 salary.

Fringe benefits in athletics have been a matter of controversy for sometime. Issues of academic philosophy, ethics and law have been raised, since coaches are using state-owned facilities for personal profit.

State legislative auditors, in their biennial look at the university, have noted that summer camps and courtesy cars are inconsistent with other university policies, but have been told it is standard operating procedure in athletic departments across the land.

Kehoe further justifies the fringe benefits on grounds that his major sport coaches do not have tenure or job security.

"These men (Driesell and Claiborne) have to go out before hundreds of thousands of people and they've got to lay it on the line. If these men are not better . . . they're going to get fired. When these men win, they're well taken care of, but when they lose, they're through; they're finished."

Here is a closer look at the fringe benefits available in the athletic department at College Park:

SUMMER CAMPS—All Maryland coaches, according to the state legislature audit report, are allowed to run summer camps in university facilities as part of their contracts. They pay the athletic department 10 per cent of gross receipts as a rental fee.

Camps are operating this summer in five sports—basketball, football, track, lacrosse and golf. Basketball is by far the largest and produced a majority of the $12,000-$15,000 rental fees Kehoe received last summer. Kehoe estimates the athletic department will receive between $20,000 and $25,000 in 10 per cent fees this summer.

The basketball camp this year has 500 campers for each of three weekly sessions. Each camper pays $115 per week. It is a boarding camp, with campers housed and fed in university facilities.

Driesell will not discuss camp finances. But the following picture can be estimated: 500 campers times three weeks times $115 per week produces gross receipts of $172,500. That's $17,250 in rentals.

Kehoe estimates that room and board is approximately $55 per week per camper. That totals $82,500. The only other expense is salaries for staff and counselors. A generous total for them is $25,000.

Thus the rental fee, room-and-board expenses and payroll come to $124,750, leaving Driesell a profit of approximately $47,750. Added to his $35,000 salary, this would give Driesell an income base of almost $83,000. He also has a television show, endorses products and has a restaurant bearing his name.

The summer camp similarly brings assistant coach Dave Pritchett $6,000 above his published salary of $18,458 for fiscal year 1975.

Driesell's camp is so popular that it was completely sold out a month before the first session—likely because of Driesell's success at Maryland and his selling ability.

"I never worry about Lefty Driesell," said Russ Potts, Maryland's promotion director. "If he got fired tomorrow, you could put him down in Raleigh's and he'd sell more suits than anybody else."

Football coach Jerry Claiborne, who will begin his fourth season in September, is only starting to reap the benefits of a successful program. Kehoe describes Claiborne's camp turnout as a handful last year. Now, after a second straight successful season, camp business is picking up.

Not all coaches opt for camps. Swimming coach Bill Campbell could use the Cole Field House pool for a camp. Instead, he chooses to run a shop in Langley Park that sells swimming gear. He is in partnership with Bob Frailey, the American University athletic director.

Beside giving him a vehicle by which to afford his coaches, Kehoe praises the camps as excellent public relations for the university.

"I want to make it perfectly clear," said Kehoe, "I encourage—I want to use a word a bit stronger than that—my coaches to have camps. I don't know of any outstanding coach who doesn't have a radio show, a television show and a summer camp.

"These things are in the institution's best interest. It sells Maryland, it sells our program, and Lefty and Jerry bring in hundreds of youngsters who see our camps and have a good, positive experience."

Kehoe charged that critics of this practice are envious of his coaches. "I think they're jealous of the Claibornes and Driesells," he said.

COURTESY CARS—Local automobile dealers provide 23 courtesy cars to the athletic department. In return, the dealers get program advertising and a "couple" of season tickets. For Maryland, the cars serve as a fringe benefit to the coach, as a considerable savings for Kehoe and as an aid in recruiting.

Kehoe estimates that courtesy cars save his department about $30,000 a year, since he would pay the university motor pool 13 cents a mile for all cars used. Under the courtesy-car setup, coaches are allowed to charge the department 6 cents a mile for business use. The coaches pay all upkeep on the cars, as if they owned them. But the athletic department pays for the insurance and certain restoration costs when the vehicles are returned to the dealers.

Kehoe requires detailed accounting on all business trips by car because of what he calls obvious reasons, a possible investigation by the NCAA or ACC concerning possible recruiting violations. Kehoe said he would fire a coach who violated NCAA rules by letting a recruit or current athlete use the car.

In 1973, the state legislative auditor recommended that the courtesy-car program be submitted to the Governor's Task Force on Fleet Management for "advice on (its) propriety."

The task force found that the athletic department could continue courtesy cars with the approval of the three-man State Fleet Review Board, with the following stipulations: the athletic department would pay insurance and maintenance, not use state tags on the cars and give the dealers a reasonable reimbursement. The advertising and tickets were considered reasonable reimbursement, a task force spokesman said.

Motor pool cars, Kehoe said, are not very useful in recruiting.

"We're in competition with Notre Dame, Alabama, Tennessee, LSU and all those schools," said Kehoe. "When we need to bring in a prospect or go see as prospect and pick him up in a state car, we're getting hurt bad. Now there's nothing wrong with a state car, but they're just stripped-down fleet Fords or Chevies and no radio, no air-conditioning, no nothing.

"It's adequate transportation, well-maintained, well-kept. But it is a fact of life it was not a brand-new shiny, modern, air-conditioned, radio-equipped automobile that was used when the guy visited Kentucky and Alabama."

COMMISSIONS—Both Tom Fields, the director of the Maryland Educational Foundation, and Russ Potts, the sports promotion director, are paid base salaries plus commissions.

Fields is the fund-raiser for the tax-exempt public charity that pays for athletic scholarships. With salary and commissions, he is expected to earn more than $60,000 this year.

Potts handles promotions, advertising and radio-television. His salary of $16,605 was augmented by about $6,000 in commissions for advertising sold in game programs.

109 Football, 9 Basketball Grants-in-Aid

Nine basketball players and 109 football players were on athletic grants-in-aids at the University of Maryland during the 1974-75 school year. The value of the scholarships exceeded $350,000.

A full athletic grant-in-aid includes tuition, room, board, books, fees and laundry money. The value for an out-of-state student is $3,552; for an in-state student $2,282. All nine basketball players were from out of state last year, as were about three-fourths of the football players.

Athletic director Jim Kehoe supplied the following totals for football and basketball grants-in-aid in recent years: Football, 113 for the 1971 season, 117 for the 1972 season, 108 for the 1973 season, 109 for the 1974 season and 111 for the upcoming season; Basketball, 10 for the 1971-72 season, 13 for the 1972-73 season, 9 for the 1973-74 season, 9 for the 1974-1975 season.

Academics Strengthened, Elkins Turns to Athletics

Both the collapse and revival of Maryland's intercollegiate athletic program have occurred under the same president, Dr. Wilson H. (Bull) Elkins, a Rhodes Scholar and former football star at the University of Texas.

When Elkins replaced Dr. H. C. (Curly) Byrd, for whom the university's football stadium is named, in 1953, Maryland was big time in football and generally small time in academics. The school was in jeopardy of losing its accreditation, in part because it was giving too many athletic scholarships in proportion to total scholarships.

Elkins wanted football to be emphasized no more or less than any other university program. Jim Tatum, whose team was ranked No. 1 in the country in 1955, quit as coach and athletic director two seasons later, partly as a result.

Tatum was replaced as athletic director by Bill Cobey, then business manager of athletics. Cobey was far less aggressive than Jim Kehoe, who followed him. Five losing football coaches followed Tatum before Jerry Claiborne's arrival three seasons ago.

Now Maryland is back in the national rankings in both football and basketball. Maryland also can now boast of good academics in addition to good athletics. It no longer accepts all high-school graduates from the state and its physics department is among the nation's best.

Jack Jackson, the baseball coach, remembers one incident a few years ago that convinced him that Elkins wasn't anti-athletics, but only trying to upgrade the school's academics first.

The Maryland baseball team practices during the spring literally in Elkins' front yard, since the president's house is located on campus. A player batted a ball through a window in the house.

No one was home. So Jackson called the president's office, to advise him not to worry about a burglary when he got home, that the window was broken by a baseball player.

The president was in a meeting and the message was passed along. Finally, Jackson talked to Elkins the next morning and apologized.

"I didn't even know you had somebody who could hit the ball that far," Elkins replied.

When he picked Kehoe as successor to Cobey, Elkins said that he emphasized two points: Get the program into black ink; improve the basketball and football teams.

"Things were out of balance," Elkins said of the Tatum days. "It was absolutely essential to show no favoritism to athletics. It took five to 10 years to bring academics into balance with athletics.

"I thought we were coming back into balance with (Lou) Saban. But he went back to the pros. Once you get down, it's a little harder to recruit. We had to get the right man. We have him now. We've come back a long way in two or three years. While I'm in favor of athletics, it's always a secondary thing; it has to be. But it doesn't mean they have to be bad."

By Richard Darcey—The Washington Post

Key figures in Maryland athletics are Tom Fields, left, and Jim Kehoe.

NEW JERSEY WEAL
"WOMEN'S EQUITY ACTION LEAGUE"

SENATOR
WILLIAMS (N.J.)
SEP 3 4 00 PM '75

National Advisory Board

Rep. Bella S. Abzug
Marion Ash
Elizabeth Athanasakos
Sen. Birch Bayh
Daryl J. Bem
Sandra L. Bem
Lucy Wilson Benson
Jessie Bernard
Caroline Bird
Rep. Corinne C. Boggs
Elizabeth Boyer
Rep. Yvonne Burke
Rep. Shirley Chisholm
Mary Daly
Eleanor Dolan
Nancy E. Dowding
Thomas I. Emerson
Cynthia Fuchs Epstein
Frances Tarlton Farenthold
Daisy B. Fields
Laurine Fitzgerald
Ruth Bader Ginsburg
Vera Glaser
Rep. Edith Green
Rep. Martha W. Griffiths
Ruth Church Gupta
Rep. Julia Butler Hansen
La Donna Harris
Viola Hymes
Elizabeth Janeway
Mildred M. Jeffrey
Geri Joseph
Leo Kanowitz
Herma Hill Kay
Roberta Kilberg
Elizabeth Koontz
Olga Madar
Abigail McCarthy
Rep. Robert McClory
Rep. Patsy T. Mink
Betty Southard Murphy
Pauli Murray
Estelle Ramey
Marguerite Rawalt
Helen J. Roig
Alice S. Rossi
Jill Ruckelshaus
Bernice Sandler
Rep. Patricia Schroeder
Anne Firor Scott
Althea T. L. Simmons
Gloria Steinem
Mary Lou Thompson
Bettina Weary
Sarah Weddington
Ruth Weyand

New Jersey Advisory Board

Clara L. Allen
Dr. Edward J. Bloustein
Dr. Phyllis Zatlin Boring
Hon. Millicent Fenwick
Prof. Ruth Bader Ginsburg
Ruth Russell Gray
Caroline Hoff Harmon
Commissioner Ann Klein
Hon. Josephine S. Margetts
Dorothy B. Mery
Stephen M. Nagler
Elizabeth C. Schwartz
Katharine Elkus White
Deborah C. Wolfe

14 Tunica Ct.
Old Bridge, NJ 08857
September 2, 1975

The Honorable Harrison Williams
United States Senate
Washington, DC 20510

Dear Senator Williams:

It is my understanding that Senator Pell's subcommittee of the Labor and Public Welfare Committee of the Senate will be holding hearings on September 16 and 18 on the Tower Amendment to exempt intercollegiate sports from the non-discrimination provisions of Title IX. It is also my understanding that women's rights groups and education associations are not being allowed to testify at the hearings.

As you know, women's groups such as WEAL and NOW worked long and hard to have Title IX become law, have given many hours of their time to investigate sex bias in athletic programs, and have spent much time and effort in seeing that HEW's long-awaited guidelines would forcefully implement the law. Despite the obvious interest and concern that these groups have in ending sex discrimination in all aspects of education, including athletics, their voices are apparently not going to be heard at the Senate hearings.

That the groups of professional educators--AAUP, NEA, AFT--are similarly not invited has a ready explanation. The NCAA, which is pushing for the exemption of intercollegiate athletics, has forgotten that they were organized initially to protect the educational, not the commercial, aspects of college sports.

If it is not too late, I would urge you to intervene and see that the hearings be opened to all groups that have a legitimate interest in educational opportunities for women. In any event, I request that the enclosed statement be included in the official record of the hearings.

Sincerely,

Phyllis Boring

Phyllis Zatlin Boring
Past President, NJ WEAL

SENATE COMMITTEE ON
LA [illegible] WELFARE
RECEIVED
SEP 3 1975

enc.

Equal Opportunity vs. Intercollegiate Football

Phyllis Zatlin Boring
Past President, NJ WEAL
Associate Dean, Rutgers College

Discrimination against women in intercollegiate athletics has been so blatant that there should be no need to convince anyone of its existence. Until quite recently many institutions allocated 100 times as much budget for the men's program as for the women's; one major mid-Western university, for example, reputedly had a $2,400,000 budget for men and $4,500 for women in 1973--or a program 99.8% male. Because our colleges and universities offered no meaningful competition for female athletes, even Olympic gold-medal winners were forced into retirement at age 17. While countless thousands of young men have been able to receive their college educations thanks to athletic scholarship funds, women were completely shut out of that opportunity. Rutgers University, where I teach, has a very progressive attitude about women's sports and, due to the efforts of a number of concerned individuals, our women's intercollegiate athletic program is off to a promising start. But we, like everyone else, have enormous inequities to overcome. For example: in 1972-73 our intercollegiate program served over 800 men and only 5 women; in 1973-74, the participants in women's softball, tennis and track found when they went for practice and games at the stadium that all of the stadium locker rooms were for men only; in 1974-75, when the official women's intercollegiate athletic program for the university was launched with seven sports, only one woman was awarded an athletic scholarship. In other words, we still have a long way to go to reach anything even remotely resembling equality of opportunity--but the NCAA would like to go back to the good old days pre-Title IX when sex discrimination was legal. Apparently, in the land of freedom and opportunity, we must choose between equal opportunity and intercollegiate football.

In its origins, the NCAA was founded to protect intercollegiate sports from over-commercialism--in other words, to retain the educational aspects of athletics in the educational setting. It is quite ironic that the major argument presented for barring women from full participation in intercollegiate athletics is a purely commercial one--it would cost too much to include women and we're having enough trouble making ends meet as it is. Such an argument raises serious concerns on at least two grounds. In the industrial setting, would we allow a company to ignore the Equal Pay Act because raising the salaries of their women employees to parity would cut into their profits? Probably not. We would say that a commercial enterprise was not within its legal rights to enhance its earnings by exploiting a particular class of workers. Why then should we allow the sports programs of educational institutions to discriminate? We might also note that if the primary concern and function of an intercollegiate sports program is to make money, such a program is to make money, such a program is a professional one, not an educational one. On campus, whenever anyone criticizes intercollegiate athletics for alleged over-commercialism, exploitation, corruption, anti-intellectualism, or whatever, the defense is always (1) that intercollegiate athletics provides an educational opportunity at the skill level of the interested students in the same way that the glee club, orchestra, or theater group does in other areas of activity, (2) that the program exists to serve the student body, and (3) that the recipients of athletic scholarship funds are scholar-athletes. The NCAA and the athletic establishment cannot have it both ways. Either the sports program is educational, existing to serve our scholar-athletes, in which case the program must provide equal educational opportunity for both sexes, or the program is primarily commercial, not educational, and has no place on the college campus.

In amendments previously introduced in Congress, two approaches have been taken to exempt intercollegiate athletics from the coverage of Title IX. They were the proposed exclusion of revenue-producing sports and the proposed exclusion of profit-making sports. Both of these approaches also raise interesting questions. If intercollegiate golf, tennis, swimming and track--so-called minor sports--produce no revenue, there will be no discrimination in those areas. Women can have access to these limited funds and facilities, but not a crack at the enormous budget allocated to the major sports. But what if the men's teams begin to sell tickets for golf, tennis, swimming and track? If the minor-sports begin to produce revenue, however limited, can we then deny women access to all athletic programs? If the glee club, the orchestra, and the theater group also sell tickets and produce revenue can we not also logically exempt those activities from equal opportunity legislation on the grounds that they make money? Perhaps the most extraordinary aspect of the revenue-producing argument is that it presupposes the inability of women's sports to attract a paying audience. If we put some money into women's sports to develop them, is it not possible that people would come to watch women's basketball, for example? We do, in fact, already have ample evidence that such is the case, given the thousands of people who paid to see women's intercollegiate teams compete in Madison Square Garden last spring.

The profit-making argument is equally interesting. Only a handful of intercollegiate athletic programs in this country actually make a profit. Most sports programs are deficit-producing. Even the NCAA finally had to admit this and call an emergency meeting to discuss ways of cutting costs; quite predictably, they could not agree to very effective ways of cutting football costs, although that's where the majority of the budget goes, so they cheerfully sliced off the minor sports. (Women, of course, are to have a crack at the minor-sports piece of the pie, which is now smaller than ever, while being exempted from the major-sports budget, which is almost as fat as before.) But even if we were to grant that certain sports at certain universities apparently produce a profit, we would have to examine the athletic budget very carefully to determine if this is actually so. I invite you to consider the following questions: 1) Is the athletic program subsidized through mandatory student fees? Such fees are paid by women as well as men. At Rutgers the amount women students pay in mandatory fees still exceeds the total budget for the women's intercollegiate athletic program. I have served on two university committees that have discussed elimination of the mandatory fee, replacing it with a voluntary purchase of a student pass to games; such suggestions put fear and trembling into the hearts of even the most ardent football enthusiasts, because deep down they are not sure that students would back the program if they had the choice. I would propose that all mandatory student fees be eliminated before anyone starts calculating alleged profit. 2) Who paid for the football stadium and other capital expenses? If the facilities were subsidized by the taxpayers--and taxpayers do come in both sexes--then, to determine the profit of a particular sport, one must consider the fair return on capital investment to be subtracted from the gross receipts. 3) How are the coaches' salaries calculated for budgetary purposes? If the coach teaches half-time and half his salary is debited to the instructional budget of the university, the true cost of the intercollegiate athletic program is not reflected in the figures. In other words, if the coach is much higher paid than the average physical education instructor, the only part of the coach's salary that can validly be carried on the instructional budget is half the average instructor's pay, not half the coach's inflated salary. 4) Is the maintenance of the athletic facility paid for by the intercollegiate budget or by the general instructional budget? Again, this may be a hidden cost. 5) What other hidden subsidies are there which must be taken into consideration? At Rutgers, for example, I discovered that the student's mandatory insurance fee is slightly inflated to cover the higher-risk premiums of the intercollegiate athletes--a supplement worth thousands of dollars annually.

In short, the profit-producing approach is even more nebulous than the revenue-producing approach. But I suspect that either of these wordings is really a euphemism for football. In that football often costs more than all of the other sports combined, it is the football budget that NCAA would like to protect from the encroachment of women. The fact that women are forced to subsidize that budget is irrelevant, as is the fact that that budget could be cut without damaging the sport. The issue in its bluntest terms is this: which is more important to the United States, the principle of equal educational opportunity for all or the commercial interests of intercollegiate football? One would hope that the choice would be clear.

RUTGERS UNIVERSITY *The State University of New Jersey*

OFFICE OF THE PRESIDENT
New Brunswick, New Jersey 08903

SENATE COMMITTEE ON
[illegible]
RECEIVED
SEP 18 1975

September 11, 1975

Dear Senator Williams:

Rutgers University wishes to state its formal opposition to the S-2106, known as the Tower Bill, which seeks to modify the requirements of Title IX vis-a-vis "revenue producing" sports. It is extremely important, in our view, that the Title IX legislation and regulations be left intact for several reasons:

1. Equal opportunity and equal access are fundamentally important considerations which should not be subjugated to any other special consideration.

2. The Title IX regulations were only recently issued after two years of discussion and debate. Institutions need time to adjust to them and plan accordingly. To make changes now only opens the door to a flood of revisions, making compliance efforts difficult and results ambiguous.

3. S-2106 is unclear, and based upon questionable assumptions about "revenue production". Moreover, while the Title IX regulations are ambiguous in some places, at least they limit the possibilities of violating the spirit of the law - which is non-discrimination on the basis of sex. Without questioning the spirit of S-2106, it does seem that interpretations and practices under it could vary dramatically from institution to institution, only increasing the disadvantages and unevenness of opportunities for all women and for men at schools where adherence to "equality" was practiced. How can the Federal government subscribe to such variations which cannot be monitored or assessed impartially?

In addition to concerns about the Tower Amendment, which we hope you will oppose, Rutgers wishes to express its uneasiness and displeasure with the way in which the hearings were scheduled. We understand that, initially only the NCAA and AIAW were invited to testify. Now we understand a few additional people will be permitted to present statements. As we read it, the Tower Bill will have a direct and significant impact on educational institutions, and it seems ill-advised to take testimony on this bill from collegiate sports organizations and only from two or three of the institutions themselves. If S-2106 is reported out of the Subcommittee, we hope that the opportunity for us to state our position will be provided.

At this time I am also informing the NCAA of our institutional position on S-2106.

With all good wishes,

Sincerely,

Edward J. Bloustein
President

The Honorable Harrison A. Williams
U. S. Senate
Washington, D. C. 20510

RUTGERS
THE STATE UNIVERSITY
OF NEW JERSEY

RUTGERS COLLEGE • DIVISION OF RECREATIONAL SPORTS • RUTGERS GYMNASIUM • COLLEGE AVENUE
NEW BRUNSWICK • NEW JERSEY 08903 • 201 932 7578

RECEIVED
SEP 17 1975

SENATOR
WILLIAMS (N.J.)
SEP 17 11 00 AM '75

September 15, 1975

The Honorable Harrison Williams
United States Senate
Washington, DC 20510

Dear Senator Williams:

It is my understanding that a subcommittee of the Senate Labor and Public Welfare Committee will be holding hearings on September 16 and 18 regarding S2106, introduced by Senator Tower of Texas. This bill is designed to exempt revenue producing sports from the nondiscrimination provisions of Title IX. A similar bill, HR8395, which also has ramifications for physical education classes has been introduced in the House by Congressman O'Hara. As a professional in the field of physical education, I would like to go on record as stating my personal opposition to both of these bills.

Title IX mandates only those things that good teachers have been doing for quite some time. The "problem" of sexually mixed classes, which, as a matter of fact, is really no problem at all, is a simple matter of conscientious attention to ability grouping and the teaching of skills rather than merely playing games. Skill instruction is done slowly and carefully under controlled situations. The question of diverse ability levels is, under these situations, relatively inconsequential. Even in such physically violent activities as football, there should be no full speed contact during the instructional phase. The sexes can therefore be mixed without serious danger.

Good teachers have, for years, been grouping students according to ability for various aspects of instruction and for virtually all game play situations. This results in a fairer, safer, and more educationally profitable experience. This same process can be done under the mandates of Title IX. Some women will be able to compete with the men in their class while others will not. Some men will find their best competitive level in a group containing many women. The question is one of matching abilities, not sexes. In a sport such as wrestling it may be wiser to pair like sexes with one another, but that should not preclude mixed classes. It merely necessitates a certain amount of thought in pairing students for practice.

I have found through my association with various professional organizations that opposition to Title IX, while often very vocal, is usually characterized by an absence of thought and sound professional judgment concerning its educational ramifications. It results in a loss of nothing which is of real educational value. It offers, on the other hand, equal opportunity for both sexes, and if properly applied, more equal competition for all.

The same type of argument can be applied to the question of Title IX and intercollegiate athletics. If the goal of intercollegiate athletics is to provide very expensive training for a small number of men in order to entertain a sizeable group of sedentary spectators, then Title IX is of no value. If, however, athletics are to provide an educationally valuable experience whereby large numbers of men and women may participate in a wide variety of activities suited to their interests and abilities, then Title IX is absolutely essential and must not be modified or changed in any way.

I am including for your examination and dissemination as you see fit, my personal copy of a manuscript distributed jointly by the National Association for Physical Education of College Women and the National College Physical Education Association for Men. This manuscript deals specifically with the question of Title IX and its implementation in college programs of physical education and athletics.

I hope that you will give very careful attention to this matter, as I feel it is essential to the educational success of physical education and athletics. I would also request that this letter be included in the official record of the hearings.

Very truly yours,

Dr. Neil J. Dougherty, Director
Division of Recreational Sports

Intercollegiate Association of Women Students

NATIONAL OFFICE: BOX 2 • 2401 VIRGINIA AVE., N.W. • WASHINGTON, D.C. 20037

National President

Margy DuVal
c/o Dean of Freshmen
Susquehanna University
Selinsgrove, Pa. 17870

Executive Director

Lynn Heather Mosh
P.O. Box 7087, Reynolda Sta.
Winston-Salem, N.C. 27109
(919 - 725-9711, Ext. 382)

National Adviser

Renee J. Nesbitt
Assistant Dean of Women
Louisiana State University
Baton Rouge, La. 70803

National Adviser-Elect

Linda Ewing
Assistant Dean of Students
Executive Building
Purdue University
Lafayette, Ind. 47906

Regional Vice Presidents:

I - Alice Townsend
Washington State University
II - Darlene Goralczyk
Northern Arizona University
III - Linda Weippert
University of Kansas
IV - Martha Stedham
Texas Woman's University
V - Siri Clemetsen
Central Michigan University
VI - Stefanie Yova
Miami University, Ohio
VII - Michele Stachek
Bloomsburg St. College, Pa.
VIII - Debbie Albert
University of South Carolina

SENATOR

Box 4112
Northern Arizona University
Flagstaff, AZ 86001
September 15, 1975

The Honorable Harrison A. Williams
The United States Senate
Washington, D.C. 20510

Dear Senator Williams:

I am writing as a regional vice president for the Intercollegiate Association of Women Students (IAWS). IAWS is the only national organization for all college women, currently responding to the needs and concerns of some 200,000 women from local campuses across the nation.

I understand that Senator Tower has introduced a bill (S. 2106) amending Title IX of the Education Amendments of 1972. I congratulate the earnest and successful efforts that made Title IX effective July 21, and I would be extremely disappointed if this amendment was brought to a vote.

This bill would seriously weaken the effect of Title IX insofar as such activities discussed would continue to deprive eligible women the opportunity for active participation.

Please, Senator Williams, do not allow this amendment to come out of your committee for a vote! IAWS looks forward to your continued support of equal opportunity for American women and men.

Sincerely,

Darlene Goralczyk

Darlene Goralczyk
IAWS Vice President - Region II

dg

SENATE COMMITTEE ON
LABOR AND PUBLIC WELFARE
RECEIVED
SEP 23 1975

Intercollegiate Association of Women Students
NATIONAL OFFICE: BOX 2 • 2401 VIRGINIA AVE., N.W. • WASHINGTON, D.C. 20037

SENATE COMMITTEE ON
LABOR AND PUBLIC WELFARE
RECEIVED
SEP 22 1975

302 Trout Hall
Mt. Pleasant, MI 48858

September 18, 1975

National President
Margy DuVal
c/o Dean of Freshmen
Susquehanna University
Selinsgrove, Pa. 17870

Executive Director
Lynn Heather Mask
P.O. Box 7087, Reynolda Sta.
Winston-Salem, N.C. 27109
(919 - 725-9711, Ext. 302)

National Adviser
Renee J. Nesbitt
Assistant Dean of Women
Louisiana State University
Baton Rouge, La. 70803

National Adviser-Elect
Linda Ewing
Assistant Dean of Students
Executive Building
Purdue University
Lafayette, Ind. 47906

Regional Vice Presidents:
I - Alice Townsend
Washington State University
II - Darlene Bereiczyk
Northern Arizona University
III - Linda Weippert
University of Kansas
IV - Martha Stedham
Texas Woman's University
V - Siri Clemetsen
Central Michigan University
VI - Stefanie Yovo
Miami University, Ohio
VII - Michele Stasch
Bloomsburg St. College, Pa.
VIII - Debbie Albert
University of South Carolina

Honorable Harrison A. Williams, Jr.
U.S. Senate Office Building
Washington, D.C. 20510

Dear Senator Williams,

As a representative of women students, I am writing with concern of the Towers Amendment, presently being discussed in the Senate Labor and Public Welfare committee.

To even consider putting this proposed bill before Congress, would be in total hypocrisy of the recently passed Title IX Amendment. I have faith in the committe that it will see the gross inequities of this proposed amendment and will not allow it to be brought out of committee.

Women pay for these facilities out of our fees for tuition. There are also many women alumni who are paying into the university, to help alleviate capital outlay of these glamorous sports facilities. In addition, through our annual activities fees added automatically to our bills we are paying into the sports area.

I feel that it would be a step backward in our present day, to initiate this bill. We have not yet ever retracted any rights enacted by Congress, by no means should we start now!

Before closing, we all wish to thank you for your efforts in the passage of Title IX. Leave it the way it stands. Thank you for your deep consideration in this and any further matters concerning equality of the sexes.

Sincerely,

Siri Clemetsen
Siri Clemetsen
Region V, Vice-President

Students' Association

GINGER HANSEL, President
LAURIE E. BRYAN, Vice President

University of Houston
Cullen Boulevard
Houston, Texas [illegible]
749-1368
749-1369

SENATOR WILLIAMS N.J.
OCT 3 1975

SENATE [illegible] OFFICE ON
[illegible] WELFARE
RECEIVED
OCT 6 1975

October 1, 1975

The Honorable Senator Harrison A. Williams, Jr.
352 Russell Senate Office Building
Washington, D.C. 20515

Senator Williams,

In behalf of the student body at the University of Houston, we would like to express grave concern over the implications of the Tower Bill (S.2106) to exempt intercollegiate athletics from sex discrimination provisions of Title IX of the Education Amendments Act of 1972. As a member of the National Students' Association, we strongly support the testimony you have heard given by the N.S.A. President, Ms. Clarissa Gilbert, and that of other groups opposed to the Tower Bill. We do not wish to belabor you with detailed arguments which have already been well-documented, but let us take this opportunity to highlight our opposition to this piece of special interest legislation.

Undoubtedly you as Senators have recognized that the S.2106 itself is a vague, poorly written bill, which leaves itself open to abuse and misinterpretation. None of the terms in this legislation are defined.

This bill would only perpetuate the inequities now found in collegiate athletic programs. It has been proven that women's sports, when properly funded and promoted, can generate funds. Witness, for instance, the popularity of women's tennis. The issue at hand is not the ability of college football to exist, but rather one of the willingness and fortitude of collegiate athletic programs to uphold the recognized law of the land; equality of the sexes.

Without S.2106, intercollegiate athletics will not cease to exist. College football will not fold. Perhaps in this period of inflation, Title IX will force big-time athletic bureaucracies to cut down on their 15-member coaching staffs, but intercollegiate athletics itself will not die.

When facing reality, you certainly realize that S.2106 is merely a blatant piece of special legislation designed to serve the athletic programs of only a small percentage of universities which are involved in big time sports.

Collegiate athletic programs should and must be made to serve the students. The University of Houston administration recently surveyed faculty, students, administrators, and alumni regarding perceptions of existing and desired university goals. As the enclosed graph will show you, this board-based survey reveals that excellence in intercollegiate athletics is the only area which is perceived to be overemphasized at the University of Houston. People are simply tired of paying ten assistant football coaches more than many associate professors are paid.

We oppose S.2106 for these reasons: The bill is vague and could easily be abused; the bill runs contrary to the recognized law of the land regarding sexual discrimination; the bill is not necessary to save intercollegiate athletics, but rather is designed to save weighty athletic bureaucracies which are not desired by students, faculty, and many administrators and alumni. These athletic bureaucracies refusal to fund and to promote women's athletics demonstrates their total disregard for the law of the land and their total self-interest. Such self-interest should not be rewarded by the passage of S.2106.

Sincerely,

Ginger Hansel
Students' Association President

Ed Martin

Ed Martin
Director of State Affairs

GH/EM/lb
Enclosure

EXHIBIT 12

MISCELLANEOUS GOAL STATEMENT "IS" AND "SHOULD BE" MEANS

MISCELLANEOUS GOAL STATEMENTS

TO MAINTAIN OR WORK FOR A REPUTABLE STANDING FOR THE INSTITUTION WITHIN THE ACADEMIC WORLD.

TO ENSURE THAT STUDENTS WHO GRADUATE ACHIEVE SOME LEVEL OF READING WRITING MATH COMPETENCY.

TO BE ORGANIZED FOR SHORT, MEDIUM, AND LONG-RANGE PLANNING FOR THE TOTAL INSTITUTION.

TO CREATE A CLIMATE IN WHICH SYSTEMATIC EVALUATION OF PROGRAMS IS ACCEPTED AS INSTITUTIONAL WAY OF LIFE.

TO CARRY ON BROAD AND VIGOROUS PROGRAM OF EXTRA-CURRICULAR ACTIVITIES AND EVENTS FOR STUDENTS.

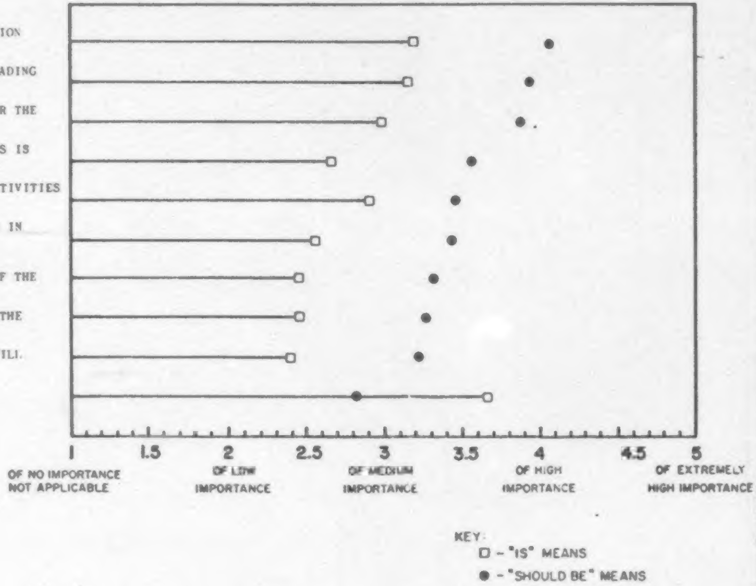
TO WORK FOR MAINTAIN A LARGE DEGREE OF INSTITUTIONAL AUTONOMY IN RELATION TO GOVERNMENT EDUCATION AGENCIES.

TO ACHIEVE CONSENSUS AMONG PEOPLE ON CAMPUS ABOUT THE GOALS OF THE INSTITUTION.

TO SYSTEMATICALLY INTERPRET THE NATURE, PURPOSE, AND WORK OF THE INSTITUTION TO CITIZENS OFF CAMPUS.

TO INCLUDE LOCAL CITIZENS IN PLANNING COLLEGE PROGRAMS THAT WILL AFFECT THE LOCAL COMMUNITY.

TO EXCEL IN INT[illegible]ATE ATHLETIC COMPETITION



MHZ

SENA[illegible]
WILLIAMS [illegible]

Sep 17 4 00 PM '75

September 12, 1975

SENATE COMMITTEE ON
LA[illegible]

RECEIVED
SEP 17 1975

U. S. Senate Labor and
Public Welfare Committee
The Honorable Harrison A. Williams,
Chairman
Dirksen Senate Office Building 4230
Washington, D. C. 20510

To the members of the U. S. Senate Labor and Public Welfare Committee:

We are students at Southern Methodist University in Dallas, Texas, and are concerned about the forthcoming action your committee will take on the Tower bill (S2106.)

We urge you not to support this legislation. Women are entitled to the same opportunities as men in all recreational and occupational areas, including sports. A vote for this bill is a vote to restrict these opportunities.

This Tower bill will merely perpetuate past discrimination against women in sports which the title IX regulations, approved this summer, are now attempting to correct. Any legislation that would cripple these regulations will be a step away from equal rights.

We appreciate any action your committee can take to stop the passage of the Tower bill.

✓ Coco Berry 3110 Daniels Dallas, Tx 75205
Melissa Seaton 3110 Daniels Dallas, Tx 75205
Karen Cook 3110 Daniels Dallas, Texas 75205
Charlotte Johnston 3110 Daniels Dallas, Tx 75205
Alison G. Opel 3110 " " " "
Lynnelle Truitt Box 3197-SMU Dallas, Tx 75275
Mary Brooke Oliphint 3110 Daniels Dallas Tx. 75205
Nancy Vanberg 3110 Daniels Dallas, Tx 75205
Francey Russell 3110 Daniels Dallas, Tx 75205
Mollie Carter " " " " "
Alice Emerick " 3110 Daniels Dallas, Tx. 75215
Christine Menches " 3110 Daniels Dallas " "
[illegible] L. [illegible] " "

Angela Adams	3014 Daniels	Dallas, Texas 75275
Jim Warren	4060 TRAVIS #110	DALLAS, TEXAS 75204
Susan Carter	3014 Daniels	Dallas, Texas 75275
Nancy Redling	3014 Daniels	Dallas, Texas, 75275
Jeannette Anderson	3014 Daniels	" " "
Laura E. Sand	3014 Daniel	Dallas, Texas 75205
Susie Moore	3014 Daniel #12	Dallas, Texas 75275
Dawn McNatt	3014 Daniel #4	Dallas, Texas 75205
Cynthia Love	3014 Daniels #4	Dallas, Texas 75205
Patti Pierce	3014 Daniels #3	Dallas, Tex 75205
Connie Glass	3014 Daniels #5	Dallas, Tex 75275
Patty Short	3014 Daniels #8	Dallas, Tex 75205
Jeannette Stephenson	4800 Cole Ave. Apt. 114	Dallas Texas 75205
Cindy Hunt	3014 Daniels #11	Dallas, Texas 752
Sue Worke	3014 Daniels #14	Dallas, TX 75205
Joe Warren	6109 Airline	Dallas, Tx 75225
Kate Huckabay	3130 Daniels #3	Dallas, TX 75205
Margo Atkins	3100 Daniels	Dallas, TX 75205
Melissa [illegible]	3100 Daniels	Dallas, Tx 75205
Melinda Clausen	3100 Daniel	Dallas Tx 75205
Susan Cooper	5969 Birchbrook, #213	Dallas, TX 75206
Kathy Martin	3100 Daniels	Dallas, Texas 75205
Renee Holder	3100 Daniels Ave	Dallas, Tex 75205
Marsha Underwood	3100 Daniels	Dallas Tx 75205
Mary Ruth Ripley	3100 Daniels	Dallas, Tx 75205

Cathy Beamer	3100 Daniels	Dallas, Texas 75205
Kim Peck	3100 Daniels	Dallas, Texas 75205
Holly Kimbrell	3100 Daniels	Dallas, Texas 75205
Dana [illegible]	3100 Daniels	Dallas, Tx 75205
[illegible] Hickman	3100 Daniels	Dallas, Texas 75205
Jan [illegible]	3100 Daniels	Dallas, Texas 75205
Lynne Wright	3100 Daniels	Dallas, Texas 75205
Kate McAlister	3100 Daniels	Dallas, Texas 75205
Laura Hensley	3100 Daniels	Dallas, Texas 75205
Susan Moreland	3100 Daniels	[illegible] las 75205
Jane DeShazo	1807 [illegible] Dr	~~Houston~~, Texas 77063
Barb Maloney	3100 Daniels	Dallas, Texas 75205
Leona Nathan	3130 Daniels #3	Dallas, Texas 75205
[illegible]	3130 Daniels #3	Dallas, Texas 75205
Randy [illegible]	6539 Glendora	Dallas, Texas 75230
[illegible] Cunnington	3130 Daniels	Dallas Tx 75205

The Reformed Church of Closter
HIGH AND WEST STREETS, CLOSTER, N. J.
(201) 768-3330
✚
Thomas Boslooper, Minister

September 5, 1975

Senator Claiborne Pell
Senate Committee on Labor and Public Welfare
Washington, D.C.

Dear Senator Pell:

Please respectfully accept my unqualified opposition to the Tower Bill and any other bills which would cut back on coverage on Title IX.

One of the major factors for the increase of social and physical and emotional health of both sexes in this country is the potential increase in physical activity for women and girls. At the same time our country could benefit from a decrease in emphasis on men's sports.

Since 1957 I have been studying the social and psychological implications of physicality for both men and women. Among my conclusions: the present educational system in our elementary, secondary schools and colleges and universities with its overemphasis on male sports and physical education and lack of emphasis on female sports and physical education is one of the greatest contributing factors to emotional disorders and social unrest in our time.

My conclusions arise out of my experience of counselling women and men who have come to me with problems, as an educator who has had close dealings with both high school and college students, and as a researcher who has delved extensively into the historical aspects of sexuality and who has conducted hundreds of interviews with girls and women, boys and mean across the U.S.A.

Enclosed please find a copy of a paper I presented to the AAAS in 1968. Since copies of it found their way to hundreds of college and university campuses around the country and since scores of newspaper articles based on it were circulated nationally, many women and men used it as the rationale behind the women's sports movement. My findings in more popular and extensive form may be read in my book "The Femininity Game" published in hardcover in 1973 by Stein & Day and in paperback in 1974. The current September 1975 issue of WomenSports has an article by me on page 18 that is apropos to the legislation now pending.

Whatever you can do to oppose measures that would continue to limit physical activity for women and girls in our educational system and promote the increase of recreational and athletic activities for females will be applauded by thousands of perceptive men and women. At the same time persons of both sexes will appreciate whatever you can do to return sports for boys and men in our educational system to a more wholesome and less commercial recreational level where these activities belong.

Appreciatively,
Thomas Bosllooper
Thomas Bosllooper

Thomas Bosllooper
Minister, Reformed Church in America
Professor of Biblical Studies, Unification Theological Seminary

AMERICAN ASSOCIATION FOR THE ADVANCEMENT OF SCIENCE
December, 1968

"PHYSICAL FITNESS AND FEMININITY"

Thomas Boslooper, PhD.

Inspite of proliferation of athletic and fitness programs in our day society generally does not consider physical activity to be integral to the development of the feminine ideal. Much of the public still wonders whether our female Olympic athletes are really women. Parents of athletically inclined girls pose the question, "When are you going to grow up and become a lady?" Many young women learn that most men dislike a show of strength by a woman. The sociology implicit in our educational systems apparently assumes that girls need much less physical activity than boys since facilities and programs for physical education in secondary schools, colleges and universities tend to be on a scale much larger for boys than for girls.

"Fitness" throughout the history of our culture has been in the male province. The male's specialty has been the development of physical skills, activities and powers. Traditionally the most masculine male has reflected the image of physical size, strength, competitiveness, aggressiveness and activity. The image of femininity has been drawn from the opposite of physical attributes. The truly feminine female has been depicted as physically petite, weak, non-competitive, non-aggressive and passive. Obviously then, "fitness" has become a specialty of the male since no one has yet devised a means by which the female may become fit if she remains confined to the pattern made preferential for the most acceptable of her sex. "Fitness and femininity" places in juxtaposition concepts which historically have been in conflict.

My own involvement in the subject of physical fitness and femininity originated in counselling women who came to me with problems. In ten years of counselling I had become aware that . . . .

- many women who came to doctors, psychiatrists, and clergymen seeking help for personal problems were receiving no real assistance.
- apparently women were being effected adversely emotionally by factors in life not yet diagnosed.
- many women live healthy and energetic lives and cope constructively with the problems of life under environmental circumstances similar to those which produce breakdowns in others.
- since theories about health generally are drawn from the knowledge of illness, the need was apparent for insight on health to be acquired from healthy individuals.

At the same time I noted in the counselling process how a number of women articulated personal problems in terms of physical experiences and concepts which apparently had effected them adversely emotionally and which had threatened their sense of femininity. What was especially striking was the fact that a number of women who outwardly appeared to be healthy and feminine considered themselves to be unhealthy and unfeminine.

My conviction of the need to acquire data from healthy people who were coping constructively with the problems of life led me for ten years along three avenues of investigation.

I. More than 600 interviews with more than 300 women and girls.

Finding - PSYCHIC ENERGY AND STASIS HAVE A VITAL LOCUS IN THE DYNAMICS OF CERTAIN PHYSICAL FACTORS IN THE DEVELOPMENT OF THE FEMININE IMAGE.

A PHYSICAL ORIENTATION IS INTRINSIC TO FEMININITY.

II. Survey of literature on the philosophy of femininity. Analysis of the literature, art, and sculpture depicting the concept of the nature of woman in classical antiquity.

Finding - PHILOSOPHY AND PSYCHOLOGY HAVE PERPETUATED IN OUR CULTURE A HERITAGE OF A FALSE IDEAL OF FEMININITY. THE TRUE IDEAL HAS BEEN RETAINED IN THE POETRY AND ART OF ANTIQUITY.

BOTH NEGATIVE AND POSITIVE ARCHETYPES OF FEMININITY, HERETOFOR UNRECOGNIZED BY SCIENCE, ARE IDENTIFIED.

III. Review of some of the relevant literature of this century.

Finding - MUCH RESEARCH HAS BEEN DONE AND IS IN PROGRESS WHICH IS IN A CONTEXT SIMILAR TO MY OWN. EACH MAY BE CONSIDERED TO BE SUPPORTIVE OF AND COMPLEMENTARY TO THE OTHER.

The possible validity of the major conclusions of this investigation may be based on these considerations:

- The conclusions describing principles of health are derived from women who are healthy and energetic and who cope constructively with life's problems.

- Principles derived from data which has produced both the negative and positive conclusions have been used in the counselling process successfully to restore some women to emotional and physical health and enable them to cope with their problems.

I. Interviews with Contemporary Women and Girls

From my interviews with women and girls from across the United States and representing a sampling of Miss Americas, Olympic athletes, local and state sport champions, musicians, dancers, secretaries, artists, typical students and housewives and mothers, a number of general observations have been forthcoming. What I call negative ones have been derived from women who complain of various kinds of personal emotional and physical problems, and what I call positive ones are considerations drawn from data derived from women who consider themselves to be healthy emotionally and physically.

Observations - negative

1. Mature women who complained of unaccountable emotional distress had as adolescents and teenagers been highly physically active but since late teens had progressively decreased satisfying physical activity to the degree it had become unsatisfactory, minimal or non-existent. Each woman had reached this point either in a deliberate attempt to make herself more acceptably feminine or by neglect stemming either from the philosophy that a relatively high degree of physical activity is a stage of life one passes through and leaves behind or from the failure to recognize the element of physical play as a necessary ingredient in the mature stages of life.

2. Emotionally disturbed teenage girls and mature women in the counselling process revealed a wealth of data describing physical concepts and experiences which for them had become assiciated with distress and stigmatized as unfeminine.

3. A number of distressed women were physically active and apparently physically fit but had come up against the cultural judgment that either the type of their activity or the degree of their competetence threatened their femininity.

4. Many women who are physically fit become emotionally distressed when in the expression of their physical competence they suffer adverse reaction from the threatened male ego.

5. A number of distressed women are wives or daughters of highly physically oriented males (even physical education teachers) who not only may fail to provide their women with adequate physical activities but also tend to make them feel that the expression of physical abilities is unfeminine.

6. Many distressed women are those who have become convinced that the possession of physical strength or the development of muscle is characteristically masculine and a threat to femininity.

7. Many women who give off characteristically masculine waves, portray a particularly mannish appearance or attitude, and who let themselves go are displaying their hostile reaction to a society that has made them feel unfeminine because of their physical abilities and drives.

8. Many women athletes suffer emotionally at the hands of a society which overtly or subtly suggests they are not as feminine as they ought to be.

9. Women who are highly oriented artistically, socially and culturally but who develop organic ailments and suffer especially from loss of psychic energy are those who have either not made or kept themselves physically fit.

10. Most emotionally distressed women have come to hate or dislike competition in physical activities or have had unresolved conflicts in distressing episodes involving competition.

11. Nearly all seriously emotionally distressed women had in post-adolescent years been hurt or abused physically and had come to associate physical aggressiveness exclusively with hostility or sexuality.

12. Many physically strong, aggressive, and capable women in attempting to be feminine assume a posture of helplessness in relationship to the male, thereby weakening themselves physically and psychically.

13. Some women feel thwarted emotionally by not being able to engage in physically aggressive playful activity with a man (especially their mates), since the male may be unable to disengage his concept of this activity from a sexual or hostile connotation or to conceive of a female active enough to engage him in a personal contest of strength and stamina to be feminine.

14. Many fine women athletes indicated that they had become what they are inspite of rather than because of physical education programs in secondary schools, high schools, and colleges and universities. Most of them considered programs in their own schools uninteresting and lacking in either physical or emotional stimulation. A number of women who were high achievers in physical activities reported open hostility directed at them from physical education instructors.

15. Many physically attractive women who are emotionally distressed lack an orientation in physical activity.

Observations - positive

1. Women and girls who are healthy, energetic, attractive and capable of coping with the problems of life have developed and maintained physical fitness without threat to their sense of femininity. They consider fitness intrinsic to femininity.

2. In the healthiest women a sound physical orientation provides the basis for artistic, cultural or social activities. Physical fitness serves principally as a means by which the individual is prepared to function socially.

3. Women with a great capacity for being highly selective in their choice of social activity and find what they do personally rewarding experience enjoyment in competitive physical activities.

4. Many socially competent women are stimulated to excellence by physically playful athletic and recreational competitive activities.

5. Many women knowingly maintain emotional stability by keeping themselves physically fit. Others who have broken down emotionally and physically have restored themselves to health by deliberately making themselves physically fit.

6. Some of the most beautiful and feminine women possess considerable physical strength and capacity for athletic activity.

7. Emotionally healthy women think of themselves as being physically strong and like the feeling.

8. Many women have discovered that physical fitness along with physical and athletic skills produces personal attractiveness and makes them more desirable to the man who is truly masculine.

9. Women who maintain fitness and femininity are either aware of deliberately challenging successfully cultural laws which they know are incorrect and detrimental or have grown up in families where their natural inclination toward physical activity has not been thwarted.

10. Many of the most fit and feminine women speak appreciatively of their fathers, brothers and husbands for being responsible for their health and sense of well being.

11. The most fit and feminine women speak of having considerable freedom for expression of their talents and abilities, profess an awareness of pride their husbands have in them for superior physical skills, and admit to being dominated by their husbands.

12. Many girls or women find playful physically aggressive activity to be exhilarating to the spirit, a good outlet for hostilities and tensions and an excellent way to keep physically fit.

13. Many of the most intelligent, attractive and personable women admitted to having been Tomboys.

14. Girls and women who competed against each other and against boys and men in sports in their developing years tend to participate wholesomely and constructively together in social activities in mature years.

15. Physically active women tend to have fewer complaints, if any at all, regarding menstruation and menopause; pregnancy, delivery and post-partem care.

16. Women who have sustained a good program of physical fitness speak of themselves when in their thirties and forties as being stronger and healthier than at any time in their lives.

17. The acquisition of physical skills along with demanding and challenging physical activity produces a sense of security and self-confidence.

All of my data may be summarized in terms of what I call four factors, which constitute a complete physical orientation, or what may be called total physical fitness, for women.

The "four factors" in their positive or constructive form are; 1) Prowess - to have developed and maintained active participation in a personally satisfying physical activity, 2) Strength - to have acquired insight into the nature and degree of one's physical strength and to have satisfaction and competence in the use of it, 3) Competition - to have learned not to dislike competition or to learn to like it in physically recreative forms, 4) Aggressiveness - to have avoided involvement of physical acts of aggression or to have developed either by concept or experience natural and wholesome feelings about physically aggressive acts.

These four factors seem to provide many women with an emotional frame of reference that forms a healthy body image and secure self-image, and with this comes a generating force of vitality and spirit. These factors also provide them with a healthy emotional framework over against which to cope constructively with the causes and onslaughts of illness and multitudinous other forms of human distress. They tend to live active vigorous lives in the same society that produces breakdowns in so many other women. Their self-image is realistic and provides the basis of their well being.

On the contrary many women who suffer from various personal ailments and problems, who lack vitality and the capacity to cope with life, have a self-image that was constructed in adolescence and teenage years along the lines of negative aspects of the same four factors. 1) Prowess - to have failed to develop or maintain active participation in a personally satisfying physical activity, 2) Strength - to be unrealistic about the nature and degree of physical strength and to have failed to develop or maintain it, 3) Competition - to be a poor competitor or to have learned to dislike competition in physically recreative activities, 4) Aggressiveness - to have learned either by concept or experience to look upon this kind of physical activity as unnatural or unwholesome or to associate it exclusively with hostility or sexuality.

A woman may have had either poor development or bad experiences in any or several of these areas, or she may have come to have considered herself to be lacking in femininity because of experiences and concepts involving any or all of these factors.

Either positively or negatively these physical factors develop the self-image in the adolescent and teenage girl in such a way that the impression is indelible and sets the pattern for her emotional life as a grown woman. The adult woman draws emotionally on the adolescent and teenage image of herself shaped in terms of these four physical factors.

A realistic and wholesome feminine self-image is shaped after a model of a feminine ideal that considers not only the appearance of the body but also the action of the body in terms of positive development in physical activity, strength, competition and aggressiveness.

Every woman who wants to be healthy will select a physical activity that is interesting, satisfying and rewarding to her and will pursue it with enthusiasm and diligence. She will deliberately try to make herself strong and think of strength in terms of muscle power, skill, flexibility, stamina, endurance and grace. She may participate in several types of physical activities at once. From specialists she may ascertain in what sort of physical activity she will be able to find the most satisfaction and express most competence. As every living cell within her depends on activity for life, so will she be physically active to maintain her life. Expressions of physical activity balanced with social, cultural and artistic outlets will provide her skeletal, muscular, nervous, circulatory and respiratory systems with the strength they need to function smoothly; her appearance will continue to be more youthful and radiant; she will have greater zest for living and an inbuilt capacity to cope with the problems of life.

It is helpful to think of the four factors in two sets of two each since the first pair represent factors in which it is essential for a woman to express herself overtly and positively, and the second pair represent factors in which a woman may not necessarily be overtly involved. In other words, although a woman ought to be physically active and develop strength, it is not necessary that she be competitive or aggressive. What is important, however, is that she does not have a bad orientation in the third and fourth factors. She may be neutral but she cannot be negatively involved and be healthy.

Since, however, woman lives in a competitive and aggressive society, it is difficult to be neutral, it is essential to avoid or overcome negative experiences in these spheres, and it is most likely that wholesome overt physical competition and aggressiveness contribute substantially to health. Thus, competition and aggressiveness can become a part of a realistic image of femininity. A woman should be able to perceive in her self-image how competition and aggressiveness contribute to her womanliness.

However, most of the literature that women read about femininity tells them that the really feminine woman is non-competitive, and often the competitive woman is classed as unfeminine. Such a view is a prime contributor to emotional disorder and social problems. A healthy society can exist only where competition is part of the structure and substance of both sexes.

What J. Asimov has to say in general has its application here: work in both the scientific sense as well as in the ordinary sense is made meaningful by fun, competing and exercise. (Life and Energy, 1962)

From a scientific study of competition comes these conclusions which are applicable to both sexes.

> "Competition is Nature's law to ensure unity for the development of potentials of specific superiority for progressive change."
> "...competition and the development of the organism from a cell are collateral processes. Thus continuous competition in maintaining the specific superiority of the organism is the law of Nature. Any attempt to understand the organization of the human personality without competition would be futile." (The Feeling of Superiority, Ernest L. Remite, 1957)

There can be no question that competition may be distressing to women, and there can be no question that some competitive women are unfeminine. But, all of life is competitive, so the only sensible thing to do is to develop a wholesome sense of competition. What has been made clear to me is that a woman who is active, and especially physically active, cannot afford psychically to learn to dislike competition. I have also found that some of the most womanly and attractive women are highly competitive. They thrive on competition. A woman who as a teenager has learned to like the competitive aspects of physical activities and has had wholesome experiences of winning and losing has had built into her psyche a factor that will give her a source of lasting strength of spirit. Competition has a positive aspect which many women have discovered to be emotionally and physically rewarding.

Acts of physical aggression must be included among the kinds of experience of life that effect a woman most subtly and profoundly and are most difficult to understand. Unfortunately women suffer considerably in this area of life because on the one hand a well-established stereotype controls the thinking of both the public and professional sociological circles, and on the other hand an adequate rationale on this subject is lacking in all sociological and psychological literature.

Universally, society ties up physical aggression in women into a neat bundle of "unfeminine," hostility, and sex. In almost everyone's mind for a woman to be involved in a physically aggressive act is to be unfeminine, to run the risk of being hurt, or to place herself in the position of inevitably becoming sexually involved.

From observation it is well known that a woman who is aggressive may be unfeminine or she may be hostile or she may be highly sexually oriented. But to leave the subject of aggression in women at any or all of these points is to perpetuate a stereotype that is ruinous. Aggression like competition has at its core a positive dynamic that has really been lost in society's perpetual abuse of the concept.

Orestes' words in Sophocles' *Electra*, "Yet remember that in women, too, dwells the spirit of battle...," point to a vital orientation of a woman's emotions. Marcus Aurelius' remark, "The art of living is more like wrestling than dancing, in so far as it stands ready against the accidental and unforeseen, and is not apt to fall," should apply to women as well as to men.

The connotations of "wrestle" are closely tied in with the psyche. Biblically, the word connotes the struggle of the soul with the problems of life. The Greek word for "wrestling" comes from the verb that means "to vibrate" or "to shake." Much of the distress of women, the feelings of anxiety, tension, nervousness -- "vibrating and shaking" -- is oriented in a woman's personal experience with distasteful physically aggressive acts. A woman's emotional reaction in an involvement of physical aggressiveness may be in direct proportion to her reaction to the abstract and social struggles of life. To have stimulating and wholesome experiences fighting physically for fun gives many women the capacity to cope with the problems of life. The *stasis* comes from the language of wrestling, meaning to be able to stay on your feet during a struggle, and suggests victory.

Women frequently use the word "wrestle" when they refer to household tasks. They "wrestle" with the furniture or with the laundry or with their cleaning. Sometimes they speak of being "licked" before they start. The social and abstract usages of the words such as "wrestle," "fight," "licked" and "get me down" by women in their mature years may reflect strongly their own personal feelings about physically aggressive acts in which they were involved in their growing years.

One of the most far reaching and detrimental sociological errors that permeates the emotional atmosphere of our time is the naive assumption that the inhibition of aggressiveness gives woman her characteristic femininity. This is the underlying cause of many of woman's inhibitions, anxieties, frustration and ills. The opposite is true. True femininity may comprise the essential ingredient of being able to be physically aggressive and have that spirit met by the male who is masculine enough to be able to contain that spirit. The woman who professes, "I love to wrestle, and my husband can handle me without hurting me" is among the most feminine females. She is likely to feel energetic and healthy. The dynamic of this consists not in how often such aggressive acts take place but in the confidence the woman has that if ever and whenever they did, this is what the outcome would be. Of central importance is the image of aggressiveness that the woman holds in her mind.

By nature girls as well as boys enjoy being physically aggressive. As little children many love to play hard and be rough. The little girl may find great exhilaration and joy in a hard playful tussle. The beginning of misery for many women comes at the moment in life when they lose this particular capacity for play. To be able to play and be played with in a physically aggressive episode for the sheer fun of the encounter at any time in life is one of the cherished treasures of many happy and healthy women.

It has been presented to me very clearly by numerous women that aggressiveness in a woman may be a part of that which makes her truly feminine, it is not necessarily associated with hostility, and it does not necessarily have sexual involvements. This is, of course, much less common that it ought to be, and for that reason the emotional insecurities of women are of high incidence, since the woman who is involved in aggressiveness and associates it with being unfeminine or hostility or sexuality is effected detrimentally by it. The woman who is physically aggressive and disassociates it either consciously or by experience from these three stigmas tends to be a healthy woman. If her "fights" early in life have been to her advantage emotionally, she tends to come through the many struggles of life constructively. "Aggressiveness" may therefore be looked upon as the positive and constructive aspect of that drive which in its negative connotation is called "aggression."

My own observation of the psyches of numerous healthy women and my own successful experience in the process of counselling women with problems has shown that between the ages of eighteen and twenty-one a young woman stands at the bridge that crosses over into a new maturity. She is in an age of transition between teenage years and being an adult. As she goes from girlhood into grown womanhood, she can maintain herself emotionally by retaining physical activity as an integral part of her life, maintaining a unity between physical and cultural activities throughout her mature years, by resolving whatever physical difficulties she may have had during her adolescence and teenage years, and by holding in her mind the convictions that she becomes truly feminine and really womanly by having the freedom to express herself physically and culturally under the encouragement and approval of her society, her family, and especially her mate.

II. Analysis of Classical Literature and Art

A. The Traditional Feminine Image

1. The Philosophical Background

From the Greeks, whose history was written by men for men, Western Civilization has inherited the notion that woman is by nature different from man. From generation to generation this idea has been passed on uncritically, so effectively, and has permeated every area of life so thoroughly that it has become one of the laws of the universe. Anthropologists, biologists, sociologists, educators, psychiatrists, psychologists, philosophers and theologians have accepted this notion and have based on it various systems of thought to the disadvantage of woman. One of these is the social and cultural system that either denies woman the opportunity to achieve her own physical optimum or stigmatizes such a development as unfeminine.

In the 5th century before Christ, Plato through Socrates tried to make his society come to terms with this problem: "Let us come to an understanding about the nature of woman." (The Republic, Book V) He then raised these questions: Do men and women possess different natures? If so, should they be assigned different functions? If so, should they receive different educations? Throughout his discussion it is apparent that Plato was moving in the direction of acceptance of a similarity between men and women, whereas society insisted upon disparity between the natures of the two sexes. Plato's inference was that for the benefit of society the nature of woman should not be considered to be totally different from the nature of man.

In diametric opposition to Plato, Aristotle proposed that men and women are by nature ordained for different functions: The Author of Nature gave man strength of body and intrepidity of mind to enable him to face greatest hardships, and to woman has given a weak and delicate constitution, accompanied by natural softness and modest timidity which fit her for a sedentary life; the male is better conditioned and more fit in every function; the female sex has a more evil disposition than the male, is more forward and less courageous and less honest. (Physiognomica II)

Aristotle had even more to say. "For females are weaker and colder in nature, and we must look upon the female character as being a sort of natural deficiency." (Generation of Animals IV vi) Aristotle also designated the male, solely on the basis of the biological structure of the procreative function, as the active agent in humanity, and the female as the passive. From Aristotle's rationalizations on the female sex in both the animal kingdom and in human society civilization has inherited the philosophy that woman is the weaker, passive, inferior sex.

This concept of womanhood which is characteristic of the Golden Age of Greece represents the ideological triumph of Athens over Sparta as well as Aristotle over Plato. Plato had tried to introduce into Athenian culture (5th century B.C.), attributes of womanhood characteristic of Spartan society (7th and 6th centuries B.C.), which had been the depository of remnants of the pre-Greek ideal of woman. Plato advocated that woman's education include physical training in sports, gymnastics and calesthenics similar to that which had been current in the northern center of Greek culture and in earlier Mediterranean cultures.

The Spartans believed that no woman can discharge effectively any of the great functions assigned to her by nature without the cultivation of her entire capacities. They believed that if men are to be strong, resolute and brave, then mothers must be strong, resolute and brave, since as are the mothers, so will be the sons.

> "They first devoted all the attention and care they could to the physical training of the women. From their earliest days the women engaged in gymnastic exercises; and when they reached the age of girlhood, they entered into contests with each other in wrestling, racing and throwing the quoit and javelin." (Charles Seltman, Women in Antiquity, 1956)

They also competed in similar contests with young men. All of this was done to produce both physical strength and mental tone.

Although in Sparta women continued in the 6th and 5th centuries B.C. to have a freer position in society and as part of their education and role in life participated in sports and games, as may be seen in the beautiful statue of the Spartan maiden, who has won a victory in running (No. 460 in the Vatican), Athens controlled the philosophy of the Greek world and accomplished the complete capitulation of women to the role of the "indoor, passive sex."

By the time of the Golden Age of Greece a woman could not attend an athletic event except under the threat of the penalty of death.

The image of the ideal woman preserved for posterity in the closing chapter of the Biblical Book of Proverbs, which dates from the end of the second millennium B.C. is remarkably contrary to the ideal of womanhood in Athenian Greek culture. It is similar to the pre-Greek and Spartan ideal, and conspicously in advance of the stereotyped ideal of woman in the twentieth century. The ideal woman is active both inside and outside the home, is an artisan who works at a craft and also tends to the domestic needs of her family, engages independently in business enterprises, reverences God, and deliberately strengthens her arms and abdomen.

Dr. Clayton Lay Thomas' charge of a male conspiracy which deprives women the right to develop themselves fully physically has support in the observation that where the passage from Proverbs 31 describing the ideal woman is quoted in James Michener's nover, The Source, the verse indicating that she deliverately strengthen her arms and abdomen is omitted, no major Biblical commentary elaborates on or mentions this verse, and the Church Fathers took care of the whole matter centuries ago by spiritualizing the entire passage and making the description symbolic of the church.

2. The Psychological Development

Insight on the question of how psychology has carried on the distortion of the feminine ideal may be acquired by the awareness of how the Nibelungenlied tradition has been handled by its interpreters. The Nibelungenlied contains meaningful Teutonic folklore covering the historical era of Teutonic culture from 600 to 1200 A.D. In it the tradition of the relationship between male and female in central and northern continental Europe is recorded.

Analysis of the Germanic and Scandanavian versions of the Nibelungenlied reveals that the philosophy of the relationship of male and female to each other is different. Whereas the German version is a frank admission that society developes some women who are as strong or stronger than men, the strong woman can be dominated by deception, but the consequence is tragic for all society, the Scandanavian version proposes that redemption for society comes through sacrifice of the female. The German version stated what appeared to be an insoluble problem. The Scandanavian version proposed a solution in which the female capitulated to the male.

The Scandanavian version eventually was taken by Richard Wagner as the basis for his "Ring Cycle," romanticized, and in it the sacrifice of woman was made to appear noble and beautiful. Wagner's enthralling portrayal of redemption through sacrifice of the female is a beautifully deceptive way of saying "The strong woman must be put down. It may even be good for her to suffer and die."

One of the factors that brought about the change between the German and the Scandanavian versions was the influence of the philosophy of subjugation of woman from Gnostic Orientalism out of the Moslem world brought by the Crusaders upon their return to Europe.

The modern psychoanalytic understanding of woman may be traced to the Swiss Paracelsus (1493 - 1541), celebrated today as the first modern medical scientist and known traditionally as the "Lutherus medicorum." Paracelsus spoke of the matrix of life out of which God had created both male and female and insisted that both of them together constitute the whole man. In everything else, however, he insisted, in essence, properties, nature, and peculiarities, the female is completely different from the male body. Whereas a theoretical unity between male and female was postulated, a practical division between the sexes was retained.

To the great disadvantage of acquiring an understanding of the nature of woman and the true relationship of one sex with the other, psychoanalytic thought has been open to the avenues coming forth from the type of tradition fostered by Paracelsus and the Scandanavian version of the *Nibelungenlied* instead of the insight stemming from the Germanic tradition of this saga. This is ironic since both Paracelsus and Sigmund Freud came from the Germanic world. The major psychological research done on this tradition has been in terms of the Scandanavian version.

The *Nibelungenlied* in its Scandanavian musical Wagnerian form has been subjected to a psychological analysis by Robert Donington, who shows how Wagner pioneered in shaping psychological motifs into the form of archetypes, and demonstrates how Wagner's "Ring" is a portrayal of the archetypes of the psyche from both angles, the masculine and the feminine (*Wagner's Ring and Its Symbols*, 1963). Researches done in modern times substantiate the importance of these archetypal constructs. Writing in *Psychotherapy of the Psychoses* (1961), John Weir Perry has correctly noted that "A comprehension of the archetypes is essential if there is to be any adequate grasp of the nature of woman and her development." Perry's reference was to the exhaustive researches of Carl Jung. Especially important in Jung's psychology of the sexes in addition to the archetypal constructs of masculinity and femininity was his insight that man has what Jung has called his *anima*, which is his feminine counterpart, and woman has her *animus*, which is her masculine counterpart.

The psychoanalytic understanding of the nature of woman has been seriously limited since its insights have been drawn principally from an analysis of the Scandanavian version of the *Nibelungenlied* and by the failure to analyze the dynamics of the Germanic version. Thus, analysis of an important archetype has been missing, and application of a principle stemming from the archetypal construct and applicable to Jung's concept of the anima and animus has been lacking. An archetypal analysis of the Germanic version reveals: Not only does man have his *anima* and woman her *animus*, which must be recognized and understood, they must be complemented on the physical level by man's mastery of the *animus* in woman in absolute honesty -- the anima in man provides him with the capacity to dominate the woman without cruelty -- his *anima* gives to his superior strength the quality of gentleness -- domination of her *animus* provides woman with the quality of grace.

All of this implies a psychology of the feminine which is foreign to most attempts in our era to come to an understanding of the dynamics of womanhood. The prevailing philosophy of woman as the passive sex which does not allow her to develop physical powers removes even the possibility of providing any insight into the dynamics of the female's inherent need of being physically dominated by the male.

Helene Deutsch in her two volume work "The Psychology of Women" (1944) accepted woman's acquiencence to passivity and traced the concept of woman as the passive sex to Freud. Although she was sure the designation did not originate with Freud, she did not know Freud's source of feminine passivity. Nevertheless, she uncritically passed the concept on into modern psychology as a realistic state of human affairs.

Feminine psychology has also been handicapped by so-called scientific observations such as one by J. Lionel Tayler while speaking about adolescence in "The Nature of Woman" in 1913:

> "There are no positive facts for or against, but it is probable rather than unprobable that much physical, and perhaps mental, exercise as this period would retard womanly development, making it less perfect, drawing off to other quarters nourishment which is needed for womanly changes coming into the young girl's life."

Another statement typical of much of the psychology of women is to be found in Sir Adolphe Abraham's "Woman: Man's Equal?" (1954):

> "Muscular and physical vigour with athletic distinction, may, they think, be purchased at an exhorbitant price, at the sacrifice of certain moral qualities with disappearance of what softness and ductility we are still glad to identify with womanhood's charm."

Psychology generally has carried on the tradition established by philosophy that the feminine image has its dynamics in passivity and is structured in terms that preclude vigorous physical activity. Because of this tradition it has been impossible for some women and difficult for many to think of themselves as fit and feminine. Women who are fit and know they are feminine have successfully challenged one of our society's most cherished cultural laws.

B. The Ancient Feminine Ideal

1. The Amazons and Penthesileia

The record of woman in the history of Western civilization reveals the contrast between the philosophy of what constituted an ideal woman at the origin of our society and what it has been traditionally across the centuries. Even though throughout most of the days of our years woman has been characterized as intrinsically passive and weak, the ideal woman at the dawn of our civilization was active and strong. Poets and artists have retained for us the image of this ideal. The truth they portray is a racial universal: woman by nature is intended to be strong, physical and social development constitute a unity, the breaking down of which has tragic repercussions for human welfare.

Recent discoveries in art reveal that during the Cretan and Mycenean periods of the second millennium B.C. women helped to establish and govern cities. Many were beautiful, tall, strong, and physically competent. An equal number of young men and women were appointed by the king to be his entertainers both as athletes and musicians. Women went hunting with men, as may be seen on the colorful fresco in Tiryns (ca. 1400 B.C.) and on the painting that depicts a boar surrounded by dogs and penetrated by two spears, one held in the hand of a man and the other held in the hand of a woman. In athletic contests women sometimes competed against men and sometimes proved to be superior to them in wrestling or in races. Although many women of this era possessed great physical prowess, they were not necessarily mannish either in instinct or in appearance. Many of them wanted to be and were good wives and mothers, and along with their strength and physical skills many of them possessed great beauty and cultural gifts.

Somehow during the "dark ages" from 1500 B.C. to 500 B.C. the position of woman sociologically changed radically. Whereas at the beginning of this millennium woman was accepted as active and aggressive and endowed with physical and cultural qualities for which she had along with men an equal right for self expression, at the middle of the first millennium B.C. she occupied a place in society on a level inferior to men , and it was considered compulsory for her to be passive and sedentary. Fitness had become unfeminine.

Various artistic renderings, literary, historical and legendary documents record a struggle between male and female that had monumental proportions, for the outcome of the encounter shaped the course of history. Woman was placed by man in a role in society beneath him, and woman's nature was delineated in such an unrealistic and indelible way as to warp her stature and status from that time until the twentieth century.

One of the artistic and literary forms that the encounter between the sexes took was the Amazonian tradition. The Amazon woman symbolized the type of woman that had to be eradicated from society. She was caricatured as big, strong, aggressive, uncouth, unfeminine, undesirable, hostile, profligate, and either evil or ridiculous. Her special designation was "man-hater." She was renowned for her outstanding physical prowess, especially in the handling of horses and in the use of arms.

The Greek mentality of the sixth century B.C., which cradled and nursed the concept of femininity that has become full grown in modern times, had become convinced of the absolute superiority of men over women. Since might made right, and since the Amazons had been defeated in various military encounters, as a general principle, men were to be considered superior and strong, and women were to be thought of as inferior and weak. Since the Amazons were strong, but men were demonstrably stronger, and since the strong, aggressive and undesirable women were defeated by men, the conclusion was that women rightfully in order to be acceptable to men should be weak, sedentary and passive. Men thus triumphed both militarily and ideologically over women.

The Amazons symbolize the superior woman who mankind would destroy rather than allow full expression of her abilities and rights. In his neurotic desire to maintain the absolute supremacy of his own ego, man made the superlative woman out to be an evil foreign power that had to be destroyed. Through historical record, wrapped in layers of legend, may be uncovered traces of the true outline of the nature and character of the Amazon women and the tragic proportions of their denouement.

The Amazon was the offspring of Ares and Aphrodite. This was the ancient's way of accounting for the Amazon's fighting spirit and feminine appearance. Ares was the god of war. Aphrodite was the goddess of love. In appearance and instinct the Amazon was like Aphrodite. Figures of Aphrodite in Greek statuary were similar in bodily proportions to figures of Amazon women. It is also probable that the model who posed for some of the statuary of Aphrodite was an athletic woman. In temperment the Amazon woman was like Ares. She was strong and aggressive.

The so-called "masculine" characteristics for which the Amazons are famous undoubtedly did not arise out of their inherent nature. Instead, they probably originated in their fierce reaction to men who sought to suppress them. Women tend to be "masculine" when they are hostile, and they tend to be hostile when from men they are unable to gain acceptance for their natural rights and the expression of their God-given endowments.

Rather than being by nature "man-hating," for which they were fabled, they were most likely instinctually the contrary, and the animosity toward men for which they were famous was the result of social conditioning. The fact is what Plutarch reported Bion to have said -- "The Amazon women were naturally friendly to men." Their dilemna is revealed in the sentence from Plutarch's Lives: "...they did not fly from Theseus when he touched upon their coasts, but actually sent him presents, and he invited the one who brought them to come on board his ship; she came on board, and he put out to sea."

The final stroke that supposedly wiped out the Amazons was struck by Achilles in one of the campaigns in the war with Troy. The Amazonian Queen in that engagement was Penthesileia, who was described by Diodorus as the last of the surviving queens of the Amazons. The encounter between the Amazons and the Greeks climaxed in a showdown between Penthesileia and Achilles. He was so convinced of the undesirability of these women and especially their queen that he set aside the usual rules of combat. He threw his javelin from a distance and mortally wounded her. Having rushed up to her and finished her off with his sword, he saw that he had killed a woman who was radiantly beautiful, divinely fair, and one who would have been an ideal mate. Later, while other warriors collected spoils, Achilles, wild with regret and broken down with sorrow and remorse, gazed with love upon this one so strong and sweet lying in the dust at his feet. The irreparable damage done to Achilles is indicated in the Greek tradition that even though subsequently Achilles had four wives he was never really married. He had many mistresses but no real wife. His wedded state was expected to take place after his death on "the isle of the blessed."

On the surface of the tradition it appears that the Amazons symbolize the wild hordes of Asia and represent an external force that must be dispensed from Greek society. In reality the Amazons were an internal force that had been driven to the fringe of society and which was struggling to return. The Amazons represented in reality and symbol womanhood that had at one time the right to be active and competitive and aggressive and strong and was struggling to regain that right. The tradition makes it clear that this was a right to be denied. At the heart of the Amazon tradition are the beliefs: the male has the right to his absolute social supremacy because he is more powerful, and the female has no right either to threaten the supremacy of the male or to make a show of strength. If she does, she deserves to be and must be destroyed. In the poetic imagination, however, this represented the tragedy of ancient civilization.

Into the fabric of our Western heritage has been woven the unrealistic, unnatural, and false philosophy that woman is the inferior sex whose virtues consist in being sedentary, delicate and weak. She was forced to become so in order to maintain the ego of the male who could tolerate no threat to his absolute supremacy. This fatal flaw in the roots of our culture is responsible for many of the social and personal ills from which both men and women have suffered for centuries.

The relationship between Achilles and Penthesileia is as devastating as the relationship between Oedipus and Jocasta. The scene of Achilles remorsefully in love with Penthesileia's corpse is as horrifying as Oedupus' love for his own mother. Each is tragic, and each portrays as area of life in which human beings have terrible difficulties in making realistic and wholesome adjustments.

In Penthesileia may be seen the superb peerless woman who is not given a chance. In the mind of her male antagonist she is observed only as an enemy that must be destroyed, she is vanquished by treachery, and only after she is dead does the male realize that she would have made an ideal bride.

Like old Thymoetes, mankind feels at one and the same time both the sheer delight and the utter hopelessness of being able to understand and properly deal with the woman who possesses great physical ability.

> "Ah, she was marvellous! When at the first
> I looked on her, meseemed a Blessed One
> From heaven had come down hitherward to bring
> Light to her darkness -- ah, vain hope, vain dream!"
> The Fall of Troy, Book II, Quintus Smyrnaeus

2. Atalanta and Thetis

Two women in ancient lore are notable as personifications of women of ancient times who combined strength with beauty and physical prowess with more obvious feminine characteristics. They are Atalanta and Thetis, the former being famous for her prowess on land, and the latter being renowned for her facility in the water.

Atalanta was especially famous for her speed afoot. She offered to marry only the man who could outrun her and would have any who tried but failed put to death. In some accounts Atalanta is said to have hung the heads of her vanquished suitors along the race course. The fate that befell those who failed to outdistance Atalanta underscores the superlative female she was thought to be. She was considered the ideal woman because of her prowess in the out of doors, her ability to wrestle, and her speed afoot, all combined with her incomparable beauty. Her disrobed white body flushed with the excitement of the competition stood poised as a prize for which many a man was willing to risk his life. Finally after the demise of several of her unfortunate suitors, she was outdistanced by Melanion, who outsmarted her by rolling apples to her side which she could not resist to pause to pick up along the way. Atalanta married Melanion, but the marriage consumated in disaster. They were turned into lions for having profaned a temple of Zeus.

Atalanta's race is the classic version of the story that appears in the lore of a number of primitive peoples. It points to the phenomenon that in society there are women who possess great physical competence. Primitive peoples also had the insight that such a woman in order to be suitably mated must be matched with a man who was her physical superior. The Atalanta legend focuses on the enormity of the problem. The woman was so competent that she was beated only by the use of a ruse, which she herself allowed, and having been overcome in this way, the ensuing marriage turned out unhappily. Another interpretation is: it is insufficient to marry just for love or sex.

Atalanta, who was renowned for her resourcefulness on land, had a sea-going counterpart, Thetis. Legends depict Thetis as one of fifty Nereids who were the offspring of two ocean deities, Nereus and Doris.

The importance of the Thetis legend lies in the description of her original encounter with Peleus, one of the most distinguished males from ancient Greek lore. Peleus had seen the lovely sea-going maiden and had her picked to be his bride. She with her sisters were said to sport naked on dolphins, and when on land had been seen on sandy beaches with their garments rolled up to their waists to keep them out of the way as they played ball: "...then they catch it one from another and send it high into the air; and it never touches the ground..."

Thetis had gone alone to a cave along the shore where she was in the habit of grooming herself and resting. Peleus, therefore, hid himself in a hedge of berry bushes, and when she came to land one day to sun herself and rest, he tried to win her by coaxing, prayers, entreaties, and all his persuasive powers.

When he failed, he determined to take her by force. In the fight in which Peleus tried to subdue her, Thetis successively took on the shapes of a bird, a tree and a lion. In other monstrous forms she spued on him fire, water, and an inky fluid. He left her to seek divine counsel and was told by the god Proteus he could win her only by surprising her, wrestling with her, holding on until she became exhausted, and tying her up.

Another day came and toward sunset while she lay relaxed in sleep, Peleus ventured forth to make conquest of the silver-footed, violet-wreathed, golden haired, deep-bosomed Nereid. He seized hold of her, fought a fierce though silent battle with her, and although burned, drenched, mauled, stung, and covered with ink, he would not let go. Finally she submitted.

What appeared to be on the surface a woman who was what society would think of as unfeminine was really the most feminine of females. Thetis surrendered to Peleus in the form of "Sepias Akte," the most delicate of all fish. The strongest most aggressive woman could be the tenderest. The most hostile woman could be the sweetest. The positive superlative were dependent upon the male's ability to handle her properly, physically. It was necessary for him to allow her free vent of all her prowess and emotions and be able to contain her without hurting her.

This is a relationship that is vital not only to a single episode but to the whole course of the social as well as the physical struggles of life. The story of Peleus and Thetis is the classic positive version of the archetypal motif.

In the ancient world there was a type of woman who was well-groomed, beautiful and who possessed unusual physical prowess. Some had great proficiency in land skills; others were at their best in the water. The former was represented in literature and art as Atalanta. The latter as Thetis. The root of the word Atalanta means "equal in weight" or "equal" or "endurance." The root of Thetis is "determined but variable." Atalanta and Thetis are legendary personifications of real women in the second millennium B.C. who were equal to men, some in height and weight; some in prowess, had great endurance, and who were determined to maintain their own well being, but who could be changed from lives of singular supremacy to marital compatibility. What they needed was to fall into the hands of a man of strength and understanding. Atalanta represents the negative version of this motif, and Thetis stands out as the positive representation of these truths.

These ancient literary representations are concrete symbols of ultimate and universal physical and social struggles between male and female and portray for humanity the range and depth of the encounters.

In Atalanta may be seen the woman of superlative qualities, beautiful and skilled, knowing instinctually that she must be mated only with a man who is her physical superior. When she compromises or when she is deceived or deceives herself, and is dominated dishonestly, life ends in disaster.

Thetis is like Atalanta, a woman of superlative physical endowments, knowing too that she must be mated only with a man who is physically superior to her. She fortunately falls into the hands of a man who subdues her in a way acceptable to her psychological needs. Throughout later tradition she is famed for her truly womanly qualities.

The origin of the problems of modern woman may be traced to the acceptance of society in the first half of the first millennium B.C. of the outlook on women epitomized in Achilles' stance toward Penthesileia and the rejection of the kind of relationship exemplified in Peleus' dealing with Thetis. What was revealed in dramatic artistic representations became formalized in philosophical formulations and finalized by the time of the Golden Age of Greece.

Throughout the centuries women of considerable competence have been stigmatized as unfeminine by men who have believed that because the women have unusual abilities they must be undesirable. Both men and women have suffered from an Achilles Complex that would suppress, thwart, or emotionally kill the woman who would threaten the male ego. Both sexes too have suffered from an Amazonian Complex which dictates to their consciousness that a woman who is outstanding in physical abilities must be ugly. The word "Amazon" means "without breasts." Society has long believed that woman may lose or may never develop her most distinctive feminine characteristics if she pursues a path of physical prowess parallel to the male. Although these ancient women are reputed to have removed the right breast in order to facilitate use of bow and arrow and throwing the javelin, it must be observed that nowhere in ancient art is this breastless phenomenon apparent. The possible breastlessness and loss of sweetness of femininity of the physically active and competent female is a hoax which for much too long has been perpetrated on society.

III Review of Related Relevant Literature

A. Psychological

In 1928 Carl Jung stated a problem which in his profession was one of its insoluble mysteries; namely, the relationship between physical and psychical energy. "I am certain that psychic energy is in some way or other connected with physical processes, yet in order to speak with any authority about this connexion, we need far more, and quite another experience and insight." (Contributions to Analytical Psychology)

In the context of the same problem Jung pointed out that life has two spheres: the biological and the cultural. Jung believed that a real crisis comes in one's life between the ages of eighteen and twenty-one when one is transferring from the "biological" (physical) to the "cultural" stage of life, or from the age of instinct to the age of spirit. This transfer, I have found, is by nature different and more difficult for women than it is for men because of the unusual degree of lack of insight into the nature of the physical factors that are involved in a woman's life.

Furthermore, I have found that violence is done both to the psyche and to the body when life is conceived of as being divided chronologically into two such spheres. As a youngster begins to be "culturally" oriented early in adolescence and in the teens, so must she continue to be "biologically" oriented throughout her years of maturity. In the teens a girl must develop both physical and social endowments, and in the mature years she must continue to develop and maintain both physical and cultural facilities. In the years of maturity the two spheres must remain as a unified and integrated whole. An individual does not simply go from one half or stage of life into the other. A woman does not proceed from a separate biological to a separate cultural stage of life. The first stage grows into and becomes an important part of the second. The cultural half continues to have as its foundation the biological half, and the physical continues to undergird the social.

A vital, healthy, genuine woman is the product of the wholesome interplay of both sound psychical and positive physical factors throughout each stage of life. This unity is the key to her health and vitality. From the ancients may be derived the insight that in the ideal woman this unity is achieved, and in the failure to achieve this ideal a healthy society is possible for neither male nor female.

Some perception into the dynamics of this is being achieved and helping to solve the mystery posed by Jung.

Ignacio Matte-Blanco, M.D., has hinted that when idealists who reduce all of life to the psychical and materialists who reduce all of life to the physical get together and perceive the quantum of life as a unity, then the masculine and feminine as well instead of remaining poles apart may move toward a richer understanding as each complements and accentuates the other. He took a progressive step by stating sharply: "We never encounter the psychical separated from the physical..." (Psychiatric Research Reports, Dec., 1954)

Another approach to the problem of the source and confusion of life's vital energies may be differentiated in terms of mankind's dual capacities provided by the spinal cord and the brain. Life may be viewed as a permanent struggle between the brainstem and the brain. "The spinal cord represents the past, primitive man, the original beast; the brain, the future, civilized man, superman." (Sadism and Masochism, Wilhelm Stekel, Vol. 1, 1929)

A most elaborate history and explanation of the brainstem and cortex in the context of physical and psychical processes has been worked out by A.T.W. Simeons, M.D., in Man's Presumptuous Brain (1961). Simeons shows how mankind by creating an ever increasing gap between his instinctual drives (brainstem) and cultural patterns (cortex) has reaped a harvest of manifold physical and emotional ailments. The crucial question is: Can man learn to think with the wholeness of his body? What has been a critical problem for the male human has been even more serious for the female, and man's philosophy which accounts for the phenomena described by Simeons received an unstopable momentum at the moment in history when the physical was removed as a quality fundamental to femininity.

An article in The Psychoanalytic Review by Arthur Burton and Robert E. Kantor, "The Touching of The Body," (Spring, 1965) brings home the importance of the physical in another provocative way:

> "Primitive man had concepts, but they were more immediately related to his personal world of experience, and in this experience his body played a uniquely mediating part... Thus, as culture attains higher social forms it desiccates itself by abstractions and reduces the immediacy of personal experience. The prevalent cry of alienation and 'loss of meaning' today is just that quality of culture which denies the body and ignores the integrative aspects of its impulses... Western man has shown an increasing estrangement from his body. He tends to be less aware of it, less accepting of it, and depends to an increasing degree on cosmetics and prostheses ... Western man is in a sense the estrangement from his body, of which, of course, the instincts are but a part. But it goes beyond this. Man's need is not necessarily more instinctual expression -- he already has more than he has ever known -- but the integration of the body and mind on the pattern residual in every human unconscious."

What is called the "feminine core" has been given minute and exhaustive treatment by many authors, who have tried to distill the essence of the feminine. In their sense of the word, "core" implies the qualities intrinsic to femininity in each woman.

In all of the studies dealing with the feminine core the wisest words were written by M. Esther Harding who insisted that woman must be developed on both sides of her nature and must overcome her fundamental instincts of modesty, passivity and reserve (*The Way of All Women*, 1933) and by Viola Klein who gave anyone who worried about woman's possible loss of her characteristic femininity because of scientific investigations into the nature of it the assurance that femininity instead of like a phantom dissolving into nothing the residue of typically feminine traits, connected with woman's specific constitution, will have more substance and greater scientific validity. (*The Feminine Character*, 1946)

Viola Klein's study is especially significant for having revealed the fundamental inadequacies of Helene Deutsch's *The Psychology of Women* (2 Volumes, 1944), in which the fallacies of Paracelsus and Freud have been perpetuated. Natalie Shainess in her essay "Newer Concepts of Feminine Personality" gives further convincing argument against the aspects of Deutsch's psychology of women that draws heavily upon Freud's "female castration complex." To these critiques ought to be added the observation that Deutsch's chapters on "Feminine Passivity" and "The 'Active' Woman" contain conclusions that are based on a totally inadequate understanding of ancient Greek mythology.

Some very technical studies of the feminine personality have been written recently which further shatter some of Helene Deutsch's hypotheses and contribute substantially to the contemporary understanding of the nature of woman and her changing image.

See: "Men and Women: Personality Patterns and Contrasts," *Genetic Psychology Monographs*, Ed. by Carl Murchison, Vol. 59, 1959. Edward M. Bennett and Larry R. Cohen show how studies of the characteristics of the masculine self concept and the feminine self concept demonstrate that many modern day notions which constitute contemporary and traditional stereotypes are very much out of keeping with the real feeling of both men and women.

In "measuring Personality Patterns of Women," *Genetic Psychology Monographs*, Vol. 65, 1962, Jane Loevinger demonstrates that the concept of the feminine role in contemporary society is a misleading construct.

In "A Study of The Concept of The Feminine Role of 51 Middle Class American Families," *Genetic Psychology Monographs*, 1963, Anne Steinmann brings out the fact that both mothers and daughters feel that men want their women to be the traditional "other-oriented" rather than "self-oriented" (seeking fulfillment in life by actualizing their own potentialities) and concluded that these attitudes and orientations are not mutually exclusive and coexist in varying degrees in each person.

Bruno Bettelheim has made a most substantial contribution to the understanding of the feminine personality. His vast knowledge has been made available in a number of popular forms including his essay on "The Problem of Generations" and "Growing Up Female." Bettelheim points out the various ways in which girls are discriminated against and seriously questions some of society's most treasured stereotypes of femininity. His analysis of the problem calls for acceptance as feminine of what Steinmann calls the "other-oriented" girl and implies that a young woman has the right and needs to realize inner potentials, quite outside any context of competing with anyone, man or woman, and to be "active" without being labelled "unfeminine." He makes this provocative additional thought:

> "A rational and psychologically balanced view would appreciate and enjoy the ways that women are truly different from men, but it would recognize that in most respects they have far more in common with men than our society is now willing to grant."

Paul Schilder in his studies in the constructive energies of the psyche (The Image and Appearance of the Human Body, 1950) expounded the thesis that psychic processes have common roots with other processes going on in the organism, and whatever goes on in the body has its specific psychological meaning and importance. Schilder's thesis has been accepted and developed by many scientists including Robert W. Kleemeier who elaborated on it in his chapter on "Behavior and the Organization of the Bodily and External Environment" in Handbook of Aging and The Individual (1959, Ed. James E. Birren) and Warren R. Johnson of the University of Maryland, who has expanded on its premises considerably. In a paper entitled "Some Psychological Aspects of Physical Rehabilitation: Toward an Organismic Theory" (1962) Johnson contends that in childhood the body-image is the self-image, throughout life growth the emerging conception of self is highly conditioned by what is done with the body, and with improvement of the body-image may come improvement of the self-image.

Maxwell Maltz developed these theses independently into his book, Psycho-Cybernetics (1960) and makes a strong case that the "self-image" is the key to human personality and human behavior. Whether or not an individual is happiness-prone or health prone depends on the self-image. He also contends that all of one's actions, feelings, and behaviour and even abilities are always consistent with one's self-image, and the self-image can be changed.

One of the most helpful discourses on self-image is Chapter 2 - "Physical Development and Physical Self-Image" in Marvin Powell's The Psychology of Adolescence (1963), in which he summarizes and discusses numerous studies in self-image psychology. Especially helpful is the array of data that discloses the varied ways in which the self-images of both adolescent boys and girls are shaped. Of particular importance are the physical factors such as size, shortness, tallness, fatness and strength.

The Spring, 1964, issue of Daedalus, The Journal of The American Academy of Arts and Sciences, contains superlative essays by Erik Erikson and eight others on key problems of women. Mr. Erikson argues that this is a moment in world history when it may be necessary to re-define the identity of the sexes in such a way as to reflect anew on our accepted image of man.

> "The ubiquity of nuclear threat, the breakthrough into outer space, and increasing global communication are all bringing about a total change in the senses of geographic space and of historical time, and thus they necessitate a redefinition of the identity of the sexes within a new image of man."

Both in this writing and in another in 1968 Erikson spoke approvingly of Bettelheim's work, but in the latter writing similar to Bettelheim's own statement on a nationally televised program in 1968 observed that society is slow in accepting Bettelheim's views.

B. Biological and Medical

Biological studies of the feminine have also contributed to our knowledge of the multiple facets of femininity and assist in shaping a realistic psychology of women.

The sex glands, the testes and ovaries, produce substances, which given into the blood stream, bring forth the typical features of the male and female respectively. Each sex exhibits more or less the secondary characteristics of the opposite sex, but in each sex one hormone is dominant. Normally, any one individual is nearly all man or nearly all woman; nevertheless, a great deal of variation may occur in the output of the two respective hormones from either ovaries or testes, and even the exact chemical nature of either hormone may vary. Thus the male may secrete an excess of the female hormone, and the female may produce too much male hormone. This not only profoundly influences the temperament and general outlook of the individual but may also change the physical appearance of either sex. (Human Biology and Racial Welfare, Edmund V. Cowdry, 1930)

Again, the female hormone, estrogen, and male hormone, testostrerone, build libido in the female, and these two hormones bring about the receptive attitude in the female typical of her sex. Successful estrogen therapy in the underdeveloped woman has produced the development of secondary sex characteristics, brought on a moderate increase in body weight, caused increase in muscle strength, bodily vigor, and mental acumen, and increased the consciousness of her own sex with attention to personal hygiene and interest in the opposite sex. (Physical Attraction and Your Hormones, Nina K. Lunn, 1950)

It is, however, fallacious to conclude that all of woman's feminine qualities depend wholly upon hormone regulation. All metabolic processes influence the production and effect of sex hormones and influence the makeup of the individual, and the basic attributes of the individual are present before sexual function matures and do not cease to exist even after the decline of hormone regulation.

Science has established these facts: the size of the bones and the character of the general muscular system is influenced by the hormones. Since estrogen is a female hormone and curtails the growth of bones, this seems to be the chief reason why man is generally larger than woman. The same female hormone also curtails the growth of muscles. Androgens, the male hormones, produce typical male characteristics and behaviour. Since both men and women possess by nature both hormones, in varying degrees of balance, it is obvious why from the biological and hereditary and endocrinological standpoint the feminine core or character or personality must be understood on both a biological and cultural basis. From this standpoint it is also obvious why many women naturally have a propensity toward dynamic physical activity and why any threat to their expression of it would be contrary to their nature.

A vast bibliography is available today from medical doctors which relates physical prowess to health, and much of it points out the relevance this has for women. Mario A. Castallo (Woman's Inside Story, 1948), W. Beran Wolf (A Woman's Best Years, 1949), Marion Hilliard (A Woman Doctor Looks at Love and Life, 1957, and Women and Fatigue, 1960), Isabel Hutton (Woman's Prime of Life, 1959), Elizabeth Parker (The Seven Ages of Woman, 1960), Virgil Damon (I Learned About Women From Them, 1962). They write from vast experience within the medical profession and in numerous and different ways whow how physical prowess and exercise are related in a woman's general health; her well being during menarche, menstruation, and menopause; child bearing and rearing; and the many other areas of her life. Similar findings are reported in Edward C. Schneider and Peter V. Karpovich's Physiology of Muscular Activity 1959 and made in telling fashion in Dr. Barbara B. Stimson's editorial "Physical Fitness for Women -- Why?" in the Journal of The American Medical Women's Association, Vol. 18, April, 1963, Number IV: "...with the pressure of today's world, to have a body able to respond to the demands put upon it, mental as well as physical, is of prime importance to all of us."

Studies by Hans Kraus, M.D. and William Raab, M.D. also deserve wide circulation and application to women as well as men. Their book on Hypokinetic Disease (1961), diseases produced by lack of exercise, shows how many human disorders including emotional instability may be conditioned and brought on by the failure to maintain the body properly in terms of exercise and physical prowess.

In medical literature the following quotation is especially noteworthy:

> "To love physical activity, to revel in bodily freedom is the natural love of healthy childhood and the delight of a spirited boy or girl; and if mature manhood and fashionable young womanhood feel a pride in physical attainments, it is not wholly the remnants of a savage instinct that gives them this delight. It is a healthy sense of power, and the reflex upon the mind and the influence of a sound body that is of such inestimable value in the sports and athletics of the day."

What is remarkable about this quotation is that it comes from a book published in 1893. In "Physical Development and Exercise for Woman," Mary Taylor Bissel, M.D., made this statement which reflects a philosophy of the physical for women in advance of what is current three quarters of a century later. Another woman doctor of our own day, Tenley Albright Gardiner, having herself made a study of the history of sports for women in The United States has remarked that the peak of acceptance of women in sports was reached in this country late in the nineteenth century. The answer to the question why a physical orientation for women was more acceptable to society at the close of the century preceding ours than it is today may be partially answered by the fact that in the early 1920's women had removed from them the right to participate in competitive athletics and in part by the truth in the observation made by Arthur Steinhaus of Michigan State University that late in the nineteenth century and early in the twentieth physical education was in the hands of the medical profession, whereas since that time it has come principally under the province of educators.

Arnold H. Kamiat in "Feminine Superiority and Other Myths" (1960) noted that in the course of the history of man-dominated societies women have had imposed on them many kinds of restraints, inhibitions and prohibitions. According to Kamiat, men have stunted, twisted and perverted the feminine personality.

Nowhere is this observation better illustrated than in the history of woman's development in physical activities and skills.

Nowhere is the call of Ferdinand Lundberg and Marynia F. Farnham for a reassessment of femininity ("Modern Woman" 1947) more pertinent than at the point of the right of women and girls to develop fully their physical potential.

The panoramic disclosure of the foregoing indicates that a dynamic female make-up drawn from all available scientific sources in the interest of woman's total well being -- the fulfillment of the feminine ideal -- includes: an understanding of her endocrinological and psychological constitution according to the most recent biological and psychiatric researches and a consideration of the dynamics of her psyche according to the findings of the foregoing philosophical and historical investigations. Any biological, anatomical, psychological or endocrinological analysis of woman must also include the physical in the sense of physical activity, and physical activity must be seen as a force that produces both physical strength and psychic energy.

From an analysis of the psyches of contemporary women and the image of the feminine ideal in the ancient Mediterranean world from both positive and negative standpoints the following thesis everges:

A PHYSICAL ORIENTATION RATHER THAN BEING CONTRADICTORY TO FEMININITY IS INTRINSIC TO TRUE WOMANHOOD.

A physical orientation should be considered to be as intrinsic to femininity as it is to masculinity, and a cultural orientation should be considered to be as intrinsic to masculinity as it is to femininity. The cultural law that places physical activity primarily in the male domain and creates a stereotype for masculinity and a stigma for femininity must be changed. The positive and negative archetypes derived from the study of the modern psyches and ancient images and the results of recent scientific investigations demand it. Philosophical analysis, historical investigations, and scientific inquiry make necessary in modern times a philosophy of the physical that makes room for physical prowess and powers in the development of the feminine image.

Woman's existence is caught up in dynamic dimensions that include not only well known sociological, economic, religious, cultural, biological and psychological considerations, but also the plane of life dramatized in such myths as the Amazon women, Atalanta, and Thetis.

By nature, by the design of creation, woman is constituted to be active physically and culturally. Her choice of roles in which to express herself are multi-dimensioned, and fundamental to the security she feels in any role is her relationship to the man, the male companion, mate, toward whom her whole being -- body and soul -- inclines. Her constitution and instinct call for development and dominance. Her true femininity comes at the hands of a man who is strong enough to be able to dominate the strong woman.

The dominant male for which many women long and grope and which all men think they are will continue to be an illusion as long as the tragic and false theoretical division between the nature of male and female continues to exist. Dominance means nothing in a relationship where the subject is supposed to dominate an object which has been precluded to be different, weak, inferior and passive. Dominance is is meaningful only in a relationship in which both parties are considered to possess by nature qualities which are intrinsically equal or similar.

Insofar as domination of an individual of one sex over the other is concerned, the male should dominate the female but only after each has given full expression of his individual powers. When the male dominates the female, he has a true sense of masculinity, and the female has a sense of true femininity. Manliness comes through dominating that which is strong. Womanliness is to be strong and to be dominated. The superlative woman who serves as a spur to encourage a man to be superior to her is one who may be assured of a true sense of womanhood, and the one who dominates her is certain to feel masculine. This relationship is not achieved by means of underplaying or negating the physical capacities of women. It comes about only through encouraging the physical powers of the female.

For male and female to develop side by side, in youth and on into maturity, prowess and strength and a competitive and aggressive spirit yields the ideal man and the ideal woman. When it is recognized that by nature these needs in both sexes are similar, then it will be possible to produce the kind of male that is distinctively masculine and the female about whose true femininity there can be no question. In such a social process it is possible to bring out the best in each sex.

With awareness that woman shares with man the need and right to develop and express physical prowess and strength and a competitive and an aggressive spirit and as society learns how to apply this insight to childhood, adolescence, teenage and maturity, a social atmosphere will be created in which both man and woman will enjoy a sharp increase in physical, emotional, intellectual, moral and spiritual vitality and strength. What is at stake is the psychical and physical health of both sexes.

WOMEN'S EQUITY ACTION LEAGUE
weal
National Press Building
Washington D.C. 20045

Telephone: 202/638/4560

NATIONAL ADVISORY BOARD

Rep. Bella S. Abzug
Marian Ash
Elizabeth Athanasakos
Sen. Birch Bayh
Daryl J. Bem
Sandra L. Bem
Lucy Wilson Benson
Jessie Bernard
Caroline Bird
Rep. Corinne C. Boggs
Elizabeth Boyer
Rep. Yvonne Burke
Rep. Shirley Chisholm
Mary Daly
Eleanor Dolan
Nancy E. Dowding
Thomas I. Emerson
Cynthia Fuchs Epstein
Frances Tarlton Farenthold
Daisy B. Fields
Laurine Fitzgerald
Ruth Bader Ginsburg
Vera Glaser
Rep. Edith Green
Rep. Martha W. Griffiths
Ruth Church Gupta
Rep. Julia Butler Hansen
La Donna Harris
Viola Hymes
Elizabeth Janeway
Mildred M. Jeffrey
Gail Joseph
Leo Kanowitz
Herma Hill Kay
Roberta Kilberg
Elizabeth Koontz
Olga Madar
Abigail McCarthy
Rep. Robert McClory
Rep. Patsy T. Mink
Betty Southard Murphy
Pauli Murray
Lenore Romney
Helen J. [illegible]
Alice S. Rossi
Jill Ruckelshaus
Rep. Patricia Schroeder
Anne Firor Scott
Althea T. L. Simmons
Gloria Steinem
Mary Lou Thompson
[illegible]
Sarah Weddington
Ruth Weyand

September 6, 1975

Senator Claiborne Pell
Committee on Labor and Public Welfare
Senate Office Building
Washington, D. C. 20510

Dear Senator Pell:

The Women's Equity Action League has compiled for your review and use in committee hearings a legislative analysis of S2106 introduced by Senator Tower. We enclose this analysis.

Please note that the Tower bill would perpetuate the inequities that Title IX was enacted to eliminate. The regulations require schools to provide equal athletic opportunity for both sexes; equal expenditures for men and women are not required. S2106 purposely "muddies the waters" insofar as clarification of equal opportunity is concerned. It simply continues past discrimination against women in sport by assuring that women's teams will never receive institutional support. In so doing it denies to women the opportunity to prepare for a career in athletics in the same way as men do.

It is interesting to me that this bill is sponsored by the Senator from Texas. As a graduate of Texas University I well remember having to run from the women's gymnasium to my next class because that building was so far away from the main campus. Perhaps running across the campus was Texas University's version of athletic opportunity.

On behalf of WEAL, I request that your committee call representatives from women's groups to testify during hearings. I also ask for your support in upholding the concepts of equality inherent in Title IX.

Yours very truly,

Doris K Seward

Doris K. Seward, D.P.A.
President, Women's Equity Action League

WOMEN'S EQUITY ACTION LEAGUE
weal
National Press Building
Washington, D.C. 20045
Telephone: 202/638/4560

NATIONAL ADVISORY BOARD

Rep. Bella S. Abzug
Marian Ash
Elizabeth Athanasakos
Sen. Birch Bayh
Daryl J. Bem
Sandra L. Bem
Lucy Wilson Benson
Jessie Bernard
Caroline Bird
Rep. Corinne C. Boggs
Elizabeth Boyer
Rep. Yvonne Burke
Rep. Shirley Chisholm
Mary Daly
Eleanor Dolan
Nancy E. Dowding
Thomas I. Emerson
Cynthia Fuchs Epstein
Frances Tarlton Farenthold
Doris B. Fedde
Laurine Fitzgerald
Ruth Bader Ginsburg
Vera Glaser
Rep. Edith Green
Rep. Martha W. Griffiths
Ruth Church Gupta
Rep. Julia Butler Hansen
La Donna Harris
Viola Hymes
Elizabeth Janeway
Mildred M. Jeffrey
Gen Joseph
Leo Kanowitz
Norma Hill Kay
Roberta Kilberg
Elizabeth Koontz
Olga Madar
Abigail McCarthy
Rep. Robert McClory
Rep. Patsy T. Mink
Betty Southard Murphy
Pauli Murray
Estelle Ramey
Helen J. Roig
Alice S. Rossi
Jill Ruckelshaus
Rep. Patricia Schroeder
Anne Firor Scott
Althea T. L. Simmons
Gloria Steinem
Mary Lou Thompson
Bettina Weary
Sarah Weddington
Ruth Weyand

Sept. 15, 1975

Dear Senator:

As you know, hearings are being held by the Sub-Committee on Education on Sept. 16th and 18th, concerning the Tower Bill which would exempt intercollegiate athletics from the sex discrimination provisions of Title IX.

Although WEAL requested time to testify, we were not allowed to do so. Therefore, I am sending you a copy of our written statement and an analysis of the bill which we are submitting for the hearing record. We will also be submitting for the record substantial documentation and reports describing the discrimination that young women face in intercollegiate sports and athletic programs.

We urge you to vote against the Totwer Bill, and to give women a "sporting chance."

Sincerely,

Norma Raffel

Norma Raffel, Chair
Higher Education Committee

NR/bu

WOMEN'S EQUITY ACTION LEAGUE
WEAL
National Press Building
Washington, D.C. 20004
Telephone: 202/638/4560

NATIONAL
ADVISORY
BOARD

Rep. Bella S. Abzug
Marian Ash
Elizabeth Athanasakos
Sen. Birch Bayh
Daryl J. Bem
Sandra L. Bem
Lucy Wilson Benson
Jessie Bernard
Caroline Bird
Rep. Corinne C. Boggs
Elizabeth Boyer
Rep. Yvonne Burke
Rep. Shirley Chisholm
Mary Daly
Eleanor Dolan
Nancy E. Dowding
Thomas I. Emerson
Cynthia Fuchs Epstein
Frances Tarlton Farenthold
Betty B. Furth
[illegible] Fitzgerald
Ruth Bader Ginsburg
Vera Glaser
Rep. Edith Green
Rep. Martha W. Griffiths
Ruth Church Gupta
Rep. Julia Butler Hansen
La Donna Harris
Viola Hymes
Elizabeth Janeway
Mildred M. Jeffrey
Geri Joseph
Leo Kanowitz
Herma Hill Kay
Roberta Kilberg
Elizabeth Koontz
Olga Madar
Abigail McCarthy
Rep. Robert McClory
Rep. Patsy T. Mink
Betty Southard Murphy
Pauli Murray
Estelle Ramey
Helen J. Roig
Alice S. Rossi
Jill Ruckelshaus
Rep. Patricia Schroeder
Anne Firor Scott
Althea T. L. Simmons
Gloria Steinem
Mary Lou Thompson
[illegible]
Sarah Weddington
Ruth Weyand

Sept. 16, 1975

Written Statement of
Dr. Phyllis Zatlin Boring*
on S. 2106,
Senate Subcommittee on Education,
Labor and Public Welfare Committee

EQUAL OPPORTUNITY Vs. INTERCOLLEGIATE FOOTBALL

Discrimination against women in intercollegiate athletics has been so blatant that there should be no need to convince anyone of its existence. Until quite recently many institutions allocated 100 times as much budget for the men's program as for the women's; one major mid-Western university, for example, reputedly had a $2,400,000 budget for men and $4,500 for women in 1973--or a program 99.8% male. Because our colleges and universities offered no meaningful competition for female athletes, even Olympic gold-medal winners were forced into retirement at age 17. While countless thousands of young men have been able to receive their college educations thanks to athletic scholarship funds, women were completely shut out of that opportunity. Rutgers University, where I teach, has a very progressive attitude about women's sports and, due to the efforts of a number of concerned individuals, our women's intercollegiate athletic program is off to a promising start. But we, like everyone else, have enormous inequities to overcome. For example: in 1972-73 our intercollegiate program served over 800 men and only 5 women; in 1973-74, the participants in women's softball, tennis and track found when they went for practice and games at the stadium that all of the stadium locker rooms were for men only; in 1974-75, when the official women's intercollegiate athletic program for the university was launched with seven sports, only one woman was awarded an athletic scholarship. In other words, we still have a long way to go to reach anything even remotely resembling equality of opportunity--but the NCAA would like to go back to the good old days pre-Title IX when sex discrimination was legal. Apparently, in the land of freedom and opportunity, we must choose between equal opportunity and intercollegiate football.

In its origins, the NCAA was founded to protect intercollegiate sports from over-commercialism--in other words, to retain the educational aspects of athletics in the educational setting. It is quite ironic that the major argument presented for barring women from full participation in intercollegiate athletics is a purely commercial one--it would cost too much to include women and we're having enough trouble making ends meet as it is. Such an argument raises serious concerns on at least two grounds. In the industrial setting, would we allow a company to ignore the Equal Pay Act because raising the salaries of their women employees to parity would cut into their profits? Probably not. We would say that a commercial enterprise was not within its legal rights to enhance its earnings by exploiting a particular class of workers. Why then should we allow the sports programs of educational institutions to discriminate? We might also note that if the primary concern and function of an intercollegiate sports program is to make money, such a program is to make money, such a program is a professional one, not an educational one. On campus, whenever anyone criticizes intercollegiate athletics for alleged over-commercialism, exploitation, corruption, anti-intellectualism, or whatever, the defense is always (1) that intercollegiate athletics provides an educational opportunity at the skill level of the interested students in the same way that the glee club, orchestra, or theater group does in other areas of activity, (2) that the program exists to serve the student body, and (3) that the recipients of athletic scholarship funds are scholar-athletes. The NCAA and the athletic establishment cannot have it both ways. Either the sports program is educational, existing to serve our scholar-athletes, in which case the program must provide equal educational opportunity for both sexes, or the program is primarily commercial, not educational, and has no place on the college campus.

---

* Past President, New Jersey WEAL, and Associate Dean, Rutgers College

In amendments previously introduced in Congress, two approaches have been taken to exempt intercollegiate athletics from the coverage of Title IX. They were the proposed exclusion of revenue-producing sports and the proposed exclusion of profit-making sports. Both of these approaches also raise interesting questions. If intercollegiate golf, tennis, swimming and track--so-called minor sports--produce no revenue, there will be no discrimination in those areas. Women can have access to these limited funds and facilities, but not a crack at the enormous budget allocated to the major sports. But what if the men's teams begin to sell tickets for golf, tennis, swimming and track? If the minor-sports begin to produce revenue, however limited, can we then deny women access to all athletic programs? If the glee club, the orchestra, and the theater group also sell tickets and produce revenue can we not also logically exempt those activities from equal opportunity legislation on the grounds that they make money? Perhaps the most extraordinary aspect of the revenue-producing argument is that it presupposes the inability of women's sports to attract a paying audience. If we put some money into women's sports to develop them, is it not possible that people would come to watch women's basketball, for example? We do, in fact, already have ample evidence that such is the case, given the thousands of people who paid to see women's intercollegiate teams compete in Madison Square Garden last spring.

The profit-making argument is equally interesting. Only a handful of intercollegiate athletic programs in this country actually make a profit. Most sports programs are deficit-producing. Even the NCAA finally had to admit this and call an emergency meeting to discuss ways of cutting costs; quite predictably, they could not agree to very effective ways of cutting football costs, although that's where the majority of the budget goes, so they cheerfully sliced off the minor sports. (Women, of course, are to have a crack at the minor-sports piece of the pie, which is now smaller than ever, while being exempted from the major-sports budget, which is almost as fat as before.) But even if we were to grant that certain sports at certain universities apparently produce a profit, we would have to examine the athletic budget very carefully to determine if this is actually so. I invite you to consider the following questions: 1) Is the athletic program subsidized through mandatory student fees? Such fees are paid by women as well as men. At Rutgers the amount women students pay in mandatory fees still exceeds the total budget for the women's intercollegiate athletic program. I have served on two university committees that have discussed elimination of the mandatory fee, replacing it with a voluntary purchase of a student pass to games; such suggestions put fear and trembling into the hearts of even the most ardent football enthusiasts, because deep down they are not sure that students would back the program if they had the choice. I would propose that all mandatory student fees be eliminated before anyone starts calculating alleged profit. 2) Who paid for the football stadium and other capital expenses? If the facilities were subsidized by the taxpayers--and taxpayers do come in both sexes--then, to determine the profit of a particular sport, one must consider the fair return on capital investment to be subtracted from the gross receipts. 3) How are the coaches' salaries calculated for budgetary purposes? If the coach teaches half-time and half his salary is debited to the instructional budget of the university, the true cost of the intercollegiate athletic program is not reflected in the figures. In other words, if the coach is much higher paid than the average physical education instructor, the only part of the coach's salary that can validly be carried on the instructional budget is half the average instructor's pay, not half the coach's inflated salary. 4) Is the maintenance of the athletic facility paid for by the intercollegiate budget or by the general instructional budget? Again, this may be a hidden cost. 5) What other hidden subsidies are there which must be taken into consideration? At Rutgers, for example, I discovered that the student's mandatory insurance fee is slightly inflated to cover the higher-risk premiums of the intercollegiate athletes--a supplement worth thousands of dollars annually.

In short, the profit-producing approach is even more nebulous than the revenue-producing approach. But I suspect that either of these wordings is really a euphemism for football. In that football often costs more than all of the other sports combined, it is the football budget that NCAA would like to protect from the encroachment of women. The fact that women are forced to subsidize that budget is irrelevant, as is the fact that that budget could be cut without damaging the sport. The issue in its bluntest terms is this: which is more important to the United States, the principle of equal educational opportunity for all or the commercial interests of intercollegiate football? One would hope that the choice would be clear.

****

(Attachments follow)

WOMEN'S EQUITY ACTION LEAGUE
weal
National Press Building
Washington D.C. 20045

Telephone: 202/638/4560

NATIONAL
ADVISORY
BOARD

Rep. Bella S. Abzug
Marna Ash
Elizabeth Athanasakos
Sen. Birch Bayh
Daryl J. Bem
Sandra L. Bem
Lucy Wilson Benson
Jessie Bernard
Caroline Bird
Rep. Corinne C. Boggs
Elizabeth Boyer
Rep. Yvonne Burke
Rep. Shirley Chisholm
Mary Daly
Eleanor Dolan
Nancy E. Dowding
Thomas I. Emerson
Cynthia Fuchs Epstein
Frances Tarlton Farenthold
Daisy B. Fields
Laurine Fitzgerald
Ruth Bader Ginsburg
Vera Glaser
Rep. Edith Green
Rep. Martha W. Griffiths
Ruth Church Gupta
Rep. Julia Butler Hansen
La Donna Harris
Viola Hymes
Elizabeth Janeway
Mildred M. Jeffrey
Geri Joseph
Leo Kanowitz
Herma Hill Kay
Roberta Kilberg
Elizabeth Koontz
Olga Madar
Abigail McCarthy
Rep. Robert McClory
Rep. Patsy T. Mink
Betty Southard Murphy
Pauli Murray
Estelle Ramey
Helen J. Roig
Alice S. Rossi
Jill Ruckelshaus
Rep. Patricia Schroeder
Anne Firor Scott
Althea T. L. Simmons
Gloria Stevenson
Mary Lou Thompson
Bettina Weary
Sarah Weddington
Ruth Weyand

SEX DISCRIMINATION & INTERCOLLEGIATE SPORTS

LEGISLATIVE ANALYSIS OF THE TOWER BILL (S.2106) TO EXEMPT INTERCOLLEGIATE ATHLETICS FROM THE SEX DISCRIMINATION PROVISIONS OF TITLE IX OF THE EDUCATION AMENDMENTS ACT OF 1972

Background: In June 1972 Congress passed the landmark Title IX of the Education Amendments to prohibit sex discrimination in all educational institutions receiving federal funds. The regulation for Title IX went into effect on July 21, 1975 after a 45 day period of Congressional review. The regulation requires schools to provide equal athletic opportunity for both sexes; i.e., HEW will consider whether the selection of sports and levels of competition effectively accomodates the interests and abilities of both sexes. Equal expenditures for men and women are not required.

S.2106 would amend Title IX by adding the following:

> (6) This section shall not apply to an intercollegiate athletic activity insofar as such activity provides to the institution gross receipts or donations required by such institution to support that activity.

The Tower bill, if passed, would mark the first retreat in any women's rights legislation enacted by the Congress.

IMPLICATIONS OF THE TOWER BILL

The Tower bill would perpetuate the very inequities that Title IX was enacted to eliminate. Only surplus revenues would be covered by Title IX; gross inequities in subsidies to male and female intercollegiate athletics would continue. It allows discrimination when money is involved. The Tower bill would perpetuate past discrimination against women in sport. The ability of men's sports to generate some revenue is largely a function of the current and past financial subsidies that institutions have given to men's teams. Women's teams have not received such institutional support over the years. In the few instances where the female teams have received significant subsidies, spectator support and gate receipts have increased dramatically. (Iowa's girls high school basketball outdraws boys basketball.)

1. There are NO DEFINITIONS of what is "required by such institutions to support" intercollegiate activities, nor is it clear who determines what is "required."

If the institution determines what is "required," the potential for abuse is enormous. First class airfares and blazer jackets could be viewed as "necessary" for male athletes while women athletes paid for their own uniforms and travel. Clever bookkeeping could easily eliminate any "surplus," and the lack of such a "surplus" could then be used to justify a lack of funding of women's sports.

An institution could have a substantial intercollegiate program for males, and none whatsoever for females. It could claim that financial exigency prevented the development of a women's intercollegiate program since most of its monies were "required" ... "to support" the men's intercollegiate program.

- University of Texas spent $2.5 million on men's sports and about $20,000 for women's sports.
- Arizona State spent $1.1 million on men's sports and about $43,000 for women's sports.
- Ohio State spent $6 million for men's sports and about $43,000 for women's sports.

If, on the other hand, HEW makes the decision as to what is "required" for support of the activity, the government will have to monitor the budgets of intercollegiate activities in order to determine which expenditures are "required." HEW will have to decide such items as: what is the proper number of uniforms "required" for a sport; how much money is "necessary" for recruiting; etc. (In contrast, the Title IX regulation requires equality of opportunity; i.e., if a school supplies uniforms for the men's basketball team, it must do so for the women's team as well. Whether the school provides uniforms at all is the school's decision, not HEW's.)

2. There are no definitions of "gross receipts" or "donations." Any institution's athletic program could fall under the exemption by merely charging a nominal fee at all intercollegiate events, even those that have been traditionally free.

Students, male and female, could be forced to subsidize men's intercollegiate activities by having the fee for admission incorporated into a compulsory "activities" fee. This money would be considered part of the "gross receipts."

- The University of Maryland raised $700,000 by compulsory student fees. The total budget for women's intercollegiate sports was $60,000.

A donor could give money for a new stadium or gymnasium earmarked for male intercollegiate activities and practice. Women could be prohibited from access (or given limited access) even if there were no other facilities available to women. The school could claim the gymnasium was "required to support that activity."

- At Connecticut College the women's varsity basketball team could practice in the gym only when the men's teams did not want to use it.
- At many institutions, women's teams must practice at odd hours such as after dinner on week nights, or before breakfast on weekends.

3. There is no definition of the term "intercollegiate athletic activity." It is not clear if "activity" means a "team," "club sport" or a particular sport as a whole. For example, if a men's basketball team were considered a separate intercollegiate activity from the women's basketball team, the women's team could be denied traval funds, coaching, facilities, equipment, etc.

4. Intercollegiate sports would be exempt from the self-evaluation requirement of Title IX. Title IX requires institutions to examine their own policies and practices in order to discover problems and to develop plans to remedy sex discrimination. There will be no incentive whatsoever for institutions to evaluate discrimination in funding, policies and programs in intercollegiate activities.

5. All athletic scholarships could be limited to men only. A school could claim that the scholarship money was "required...to support" the particular activity. The school would be under no obligation to raise money for women's scholarships. [Under Title IX, equal scholarships are not required although "To the extent that a recipient awards athletic scholarships or grants-in-aid it must provide reasonable opportunities for such awards for members of each sex in proportion to the number of students of each sex participating in...intercollegiate athletics." 86.37(c)(1)]

- Until the Spring of 1973, the Association for Intercollegiate Athletics for Women (AIAW) prohibited females participating in intercollegiate athletics from accepting scholarships. Many institutions still have no or very few scholarships for women. Thus, although men participating in swimming, basketball, etc. may have scholarships, women participating in the identical intercollegiate sport on the same campus have no such aid available to them.

- The University of Maryland spends more on men's athletic scholarships ($540,000) than on the total women's sports program ($60,000). There are no scholarships for women.

6. Equipment for revenue producing sports, such as practice uniforms, could be provided for men's teams but not for women's teams. The former would be "required... to support that activity;" uniforms could be denied to women's teams on the grounds of financial exigency.

- Women's teams often have inferior equipment or the left-over equipment no longer needed by the men's teams when new equipment is purchased.

7. Similarly, team doctors and health insurance could be justified for male athletes as "required" for "support" of an intercollegiate activity; women athletes could be legally denied such amenities because of financial exigency.

- At the University of Hawaii, a woman athlete who needed ultrasonic treatment for an athletic injury could not use the needed equipment in the training room; only men had access to it.

8. Travel for men's teams could continue to be subsidized at a high level (chartered buses and airplanes) while women's teams would continue to travel at their own expense.

- At the University of Michigan, women's teams sold apples during football games to pay for their travel and other expenditures.

- At some institutions women's teams sell cookies and cakes to pay for gas for travel, while the men's teams travel in chartered buses or in first class service in airplanes.

9. Meals and lodging for male athletes while traveling to games could continue to be subsidized while women athletes have to pay for their meals and lodging out of their own pockets.

- Many women's teams have no money allocated for per diem expenses while away at games. Often the women bring their own sandwiches and sleeping bags.

10. Budgets to recruit athletes could be limited to male athletes only.

- Few, if any, women's teams have funds for recruiting women athletes.

11. Budgets for publicity could be allocated totally for male intercollegiate activities, with none allocated for women's intercollegiate activities.

- Many institutions have a budget for public relations for men's athletics. Women's athletics receive little attention in the press as a result.

12. Women reporters could be excluded from the press box during male intercollegiate events. Because these women do not work for the university or college, employment discrimination laws would not apply.

13. ALL employees who worked in activities or facilities involving intercollegiate athletics (coaches as well as maintenance people) would be exempt from the protection of Title IX, which covers employees as well as students. Although other employment laws would apply, these particular employees would be denied remediation under Title IX, a remedy which is available for all other educational employees.

Will Title IX "Ruin" Intercollegiate Sports? No.

Former Secretary Weinberger, in his June 26, 1975 testimony before the House Subcommittee on Post-Secondary Education, summarized the Title IX regulation in the following manner:

> With regard to the provision on athletics, first let us look at what the regulation does not require.
> (1) It does not require equal aggregate expenditures for members of each sex or for male and female teams.
> (2) It does not require two separate equal facilities for every (or any) sport.
> (3) It does not require women to play football with men.
> (4) It will not result in the dissolution of athletics programs for men.
> (5) It does not require equal moneys for athletic scholarships.
> (6) It does not require coeducational showers, lockerrooms and toilet facilities.
> (7) It does not mean the National Collegiate Athletic Association (NCAA) will be dissolved and will have to fire all of its highly vocal staff.
> The goal of the final regulation in the area of athletics is to secure equal opportunity for men and women while allowing schools and colleges flexibility in determining how best to provide such opportunity.
>
> Where selection for a team is based on competitive skill, or the activity involved is a sport involving physical contact between players, then the college can provide separate teams for males and females or if they wish, they can have a single team open to both sexes. If separate teams are offered, a recipient institution may not discriminate, on the basis of sex, in providing necessary equipment or supplies, or in any other way. I emphasize again that equal aggregate expenditures are not required. In determining whether equal opportunities are available, such factors as the following, among others, will be considered: whether the available sports reflect the interests and abilities of both sexes; provision of supplies and equipment; game and practice schedules; travel and per diem allowances, etc.
>
> Where a team in a non-contact sport, the membership of which is based on skill, is offered for members of one sex and not for members of the other sex, and athletic opportunities for the sex for whom no team is available have previously been limited, individuals of that sex must be allowed to compete for the team offered. However, this provision does not alter the responsibility which a college has with regard to the provision of equal opportunity.

9657 Marshall Road
South Lyon, MI 48178
September 8, 1975

Senator Claiborne Pell
Senate Committee on Labor and Public Welfare
Washington, DC 20510

Dear Senator Pell:

I would like to be on record indicating my opposition to the Tower Bill and any other bills which would cut back on Title IX coverage.

I am enclosing a petition as an example of sex discrimination in Ann Arbor, Michigan. Perhaps with full Title IX coverage this might not be as apt to happen throughout the country.

Thank you for your consideration.

Sincerely,

Patsy Kollen

Patsy Kollen

Whereas the position of Athletic Director at Pioneer High School has been made a full-time post instead of two part-time ones, administering girls', boys', and coeducational sports for the first time in the school system's history;

Whereas the new Directorship will require building a new concept of equal opportunity for female and male students and staff not yet developed in high school athletics in the city - a concept embodying a combined, unified program of which both sexes are an integral, equally valued part, with both working together toward common goals;

Whereas the new Athletic Directorship, in fact needing a new equal opportunity-based job description, is a significantly new, untried, and difficult position, not necessarily best suited at this time to inviting the equal participation and providing the same calibre of training for male and female students or the same coaching and assisting opportunities for female and male staff;

Whereas this significantly new position was filled without being posted, as is required for all vacant or substantially new employment categories, with precedence, for example, in the posting of the Physical Education Coordinator's job when it was changed from the Physical Education Specialist's; and

Whereas the lack of posting afforded absolutely no opportunity for a woman to apply to be the first Athletic Director of a combined girls' and boys' program at Pioneer High School and indeed offered no opportunity for women to know that a Co-Director was being sought mainly to lead the girls' athletic program:

WE THE UNDERSIGNED EDUCATORS, PHYSICAL EDUCATORS AND INTERESTED PARTIES, recognizing the enormity of the new Directorship position and wishing to express our deepest respect for our colleague, Eldon Rouse, who will be greatly inconvenienced by this move,

ASK EITHER

THAT THE JOB OF FULL-TIME ATHLETIC DIRECTOR BE POSTED AND CIRCULATED TO PLACES GUARANTEED TO REACH QUALIFIED NON-MINORITY AND MINORITY WOMEN, WITH REQUIREMENTS FOR EVIDENCE OF COMMITMENT AND ABILITY TO CARRY OUT AN EQUAL OPPORTUNITY PROGRAM FOR FEMALES AND MALES, WITH STRONG EMPHASIS ON ENCOURAGING THE PARTICIPATION OF GIRLS AND WOMEN:

OR

THAT THE JOB OF PART-TIME CO-DIRECTOR OF ATHLETICS BE POSTED AND CIRCULATED TO PLACES GUARANTEED TO REACH QUALIFIED MINORITY AND NON-MINORITY WOMEN, WITH REQUIREMENTS FOR ENCOUAGING THE PARTICIPATION OF GIRLS AND WOMEN AND FOR WORKING COOPERATIVELY AND JOINTLY WITH AN EQUALLY PAID CO-DIRECTOR IN ADMINISTERING AN EQUAL OPPORTUNITY ATHLETICS PROGRAM FOR BOYS AND GIRLS.

In anticipation of the difficulties involved in creating and administering such a program when there has not been a tradition of equal opportunity in the past, we strongly recommend at this time that the post be shared by a woman and a man working together to administer an equitable program for both sexes.

UNIVERSITY OF MARYLAND
COLLEGE PARK 20742

DEPARTMENT OF ECONOMICS

Nugent House
Building 116

September 9, 1975

Senator Claiborne Pell
4230 Dirksen Office Building
Washington, D.C. 20510

Dear Senator Pell:

I am a faculty member at the University of Maryland and the chairperson of a committee on women's issues of our campus chapter at the American Association of University Professors.

The purpose of this letter is to bring to your attention the resolution passed by the Board of Regents of the University, on June 20, after the issuance by HEW of the Title IX guidelines requiring equal opportunity for women in athletics, and after many public statements by our campus athletic director, James Kehoe, to the effect that the HEW rules were impractical and unsound. The Board of Regents resolution, which was passed unanimously, said that

> "the University of Maryland act as soon as the guidelines for Title IX become effective, to implement these guidelines with speed and good grace throughout the University; and, further, that the University administration assess the University's compliance with the guidelines and make a report to the Board of Regents and thereafter make regular reports to the Board on the implementation of the guidelines."

The newly elected chairperson of the Board of Regents, Mr. B. Herbert Brown, expressed the sentiment that women were entitled to their day on the athletic field and the gym, and that it was financially feasible and compatible with an excellent athletics program.

When our athletic director denounces equal opportunity requirements, he means he is against increasing the pittance he now spends on women's programs ($30,000 out of a total athletic budget of $2,500,000). He means that he is unwilling to spend on women's programs more than a small fraction of the money he gets from women students each year in the form of athletic fees. He means that he is against an adequate athletics program for women.

I am the mother of two children -- a young boy and a young girl. When my children come to college age, will the philosophy of our present athletic director, or the philosophy expressed by our Board of Regents be the operative one? Don't sacrifice my children's right to health, exercise and active recreation to the play-for-pay attitudes of our athletic director.

Sincerely yours,

Barbara R. Bergmann
Professor of Economics

BRB/dmr

P.S. I would appreciate your including this in the formal record of the hearings on the Tower bill.

80 Richmond Rd
Belmont
Mass 02178
Sept 9.

Senator Claiborne Pell.
Labour and Public Welfare Comm.,
Washington DC. 20510

Dear Senator Pell,

This letter is to request that you oppose the Tower bill (S 2106.). If passed, this bill would effectively remove any hope of equality for women in intercollegiate sports. The argument of college athletics administrators that Title IX will "ruin intercollegiate sport" is a myth perpetuated in order that they may avoid having to spend any money on women's sports. Any weakening of the coverage of Title IX is an attack on the rights of American women and girls.

I trust you will do your utmost to oppose this bill and any similar ones which may be introduced

Sincerely,

Margaret Shaw.

522 N. Gilbert St.
Iowa City, Iowa 52240
September 10, 1975

Senator Pell:

I understand that Senator Tower has re-introduced his amendment to exempt the revenue producing sports from Title IX. I disagree with this idea of exempting these sports. This exemption could have drastic effects on the women's sports programs as well as the men's "minor" sports.

The charges that Title IX will destroy men's sports are unsubstantiated. We don't know this to be a fact. I believe that each institution will be able to undergo some changes without penalizing anyone drastically.

Such an amendment clearly allows sex discrimination to continue.

This amendment could have a very adverse effect on men's "minor" sports. Each person is an individual and excells in different areas. Why should men in swimming and women in athletics be penalized for what they do best and are interested in just because they are not "big time".

Thank you for your consideration in this matter. Hopefully you will see my side and vote against exemption.

Sincerely,

Deborah L. Woodside

505 S. VanBuren #10
Iowa City, Iowa 52240
September 11, 1975

Senator Claiborne Pell
325 RSOB
Washington, D.C. 20510

Senator Pell:

I am writing as a concerned educator and coach, in regard to the hearings that are to be held concerning Title IX and the amendment to exempt the revenue producing sports.

To pass such an amendment would clearly allow sex discrimination to continue in athletic as well as educational programs. It would also seem to have a very adverse effect on the so-called "minor" men's sports, as they would be further neglected and possibly smothered altogether by the revenue producers.

the revenue producing sports are in no danger of being destroyed by Title IX and therefore need no shelter from its legislation.

I urge your support in defeating this amendment when it is introduced in the Sub-Committee on Education.

Sincerely,
Diane M. Hertel

THE UNIVERSITY OF IOWA
IOWA CITY, IOWA 52242

Department of Physical Education for Women
Area 319: 353-4354

September 11, 1975

Senator Claiborne Pell
325 RSOB
Washington, D.C.

Dear Senator Pell:

I am writing in regard to the Tower Amendment. The re-introduction of this amendment is certainly not in the intent of Title IX. Such an amendment allows sex discrimination to continue rather than attempt to eliminate this unhealthy practice.

The current thought that Title IX will destroy men's athletics is unsubstantiated. Title IX will bring men's athletics into a sane educational realm that will benefit all sports and not just football and basketball. If this amendment is put into effect, men's sports other than football and basketball (illogically referred to as minor sports) will cease to exist. It is unfair to eliminate many sports for two sports.

I hope you will not support the Tower Amendment in your current position.

Sincerely,

Lark Birdsong
Instructor

LB:loh

3130 Daniels #3
Dallas, Texas 75205
September 11, 1975

The Honorable Claiborne Pell
Member, U. S. Senate Labor and
Public Welfare Committee
4230 Dirksen Senate Office Building
Washington, D. C. 20510

Dear Senator Pell:

I am a student at Southern Methodist University, Dallas, Texas, and I am deeply concerned about the action your committee will be taking on S2106 (the Tower bill.) I write to not only urge you to defeat this bill in your committee, but to also share with you the conditions on my own college campus which relate to this legislation. I hope, in some way, they will give you further insight into your decision-making.

As you might know, my school is a member of one of the athletic strongholds in the country--the Southwest Conference. But, even though we have some of the finest coaching staffs, equipment and facilities in the United States, horrifying inequities still exist.

My school has two potentially outstanding women's teams. The tennis squad has placed in the top twenty in the nation the past two years; the swimming squad, finally organized in 1974, placed third in Texas this spring. Unfortunately, these statistics belie each of these team's training conditions. That they hold these ranks is an indication of their dedication and drive.

The tennis team is allowed to practice only on the slick and hazardous intramural courts, being barred from the newer more expensive men's varsity courts. As intramural season begins at SMU, the women will be obliged to forfeit practice time to non-intercollegiate teams.

Although nationally ranked, this team was unable to participate in many important meets during the season because of lack of funding. Also, much of their equipment is purchased by the team members themselves. When injuries occurred on the team last season, they were allowed the services of an athletic trainer only at 8 a.m.

After its formal organization, our fledgling swimming team was allotted no pool time last semester. The men's coach refused to give it time, and (as one women's team member understood his decision) also "thought it ridiculous to even consider letting women practice with the men."

Instead, the team was required to enroll in a swimming class. So, it received only a little more than two hours practice time a week, and, in effect, had to pay for the right to be on the team with their tuition money.

Two dedicated women team members rose each morning to swim from 6 to 6:45 a.m., before two to three male swimmers "took over" the entire pool at 7 a.m.

Because of lack of funding, the women entered only two out-of-town meets. Warm-up outfits were begrudgingly provided by the men's coach for only one of these meets.

Needless to say, while these women struggle to enjoy the competition and physical fitness they desire, the men have been given the best of luxuries. They have their own athletic dorm, training table, coaches (who do not double as teachers) and ample expenses for out-of-town games and tournaments.

I personally would never hope to have the same benefits for the women that the men have now. Instead, I would like to see a merging of these two extremes--the wealth and the poverty--into a reasonable and equitable solution satisfying all.

I believe the present Title IX regulations begin to find such a solution. Any attempt to weaken these regulations in the area of athletics will only inflict further struggle and hardship on women--such as those at SMU--who sincerely want to participate in sports.

If passed, the Tower bill will be a signal to all potential and active women athletes that this country's elected representatives are opposed to equal opportunity in athletics.

I hope that those who testify before your committee will bring notice to the fact that this Tower bill is more dangerous than it might seem. It is open to many interpretations exclusively favorable to men's athletics, and terms included in the bill remain undefined.

In closing, I believe it is necessary to add that I do not participate on either of the women's teams and so I write to you with no personal gains in mind. I am a concerned student and citizen--hopeful that the women in this country will never have to lock another dream or goal away because a social custom, or more importantly, a law says, "No, you can't."

page three

I feel it important to mention, too, that I attend school in the state of this bill's sponsor, Sen. John Tower. And I believe that it is essential that you hear from people in this state. I hope I am not wrong in saying that there are many others here who fail to share Mr. Tower's enthusiasm for this bill.

I request your careful attention to this letter and further request that you enter it into the formal record of the hearings on the Tower bill.

Sincerely,

Nancy D. Kruh

Nancy D. Kruh

cc: Members of the U. S. Senate Labor and Public Welfare Committee

RUTGERS UNIVERSITY *The State University of New Jersey*

OFFICE OF THE PRESIDENT
New Brunswick, New Jersey 08903

September 11, 1975

Dear Senator Pell:

We understand that only limited testimony, mostly from collegiate athletic associations, is to be given at the hearings to be held September 16 and 18 on S-2106, the Tower Bill, which would amend Title IX in connection with "revenue producing" sports. We think that holding hearings on legislation which could seriously affect institutions without inviting broad representation by the institutions affected represents a step in the wrong direction. It suggests that sports interests claim status separate from the institutions of higher education in which they are housed.

Enclosed you will find a brief statement by the University in opposition to S-2106 and in opposition to any major alteration of Title IX at the present time. We believe that to pass the Bill would represent a significant retrenchment from equal opportunity legislative accomplishments. Moreover, it is not timely to rewrite the legislation before the regulations which have just been promulgated have been in effect for a while. We offer our statement to you and the other Subcommittee members and ask that it be made part of the official record of the hearing.

At this time I am also informing the NCAA of our institutional position on S-2106.

With all good wishes,

Sincerely,

Edward J. Bloustein
President

The Honorable Claiborne Pell
Committee on Labor & Public Welfare
United States Senate
DSOB 4320
Washington, D. C. 20510

Enc.

cc: The Honorable Harrison A. Williams, Jr.

STATEMENT BY RUTGERS UNIVERSITY
ON
S-2106

Title IX and its recently issued Final Implementing Regulations have as their ostensible purpose the guarantee of equal opportunity and non-discrimination on the basis of sex in all educational programs. To identify and separate one activity and claim for it greater importance, or special status, seems contrary to the spirit of the legislation and the principles of non-discrimination.

S-2106 seeks to exempt "revenue producing" sports - or that "part" of a sport which generates "gross receipts or donations" - and in so doing claims a separate status for intercollegiate athletic activity. It seeks to place one activity, sports, above the compelling interests of equality. Insofar as it does this, Rutgers is in opposition to the Bill.

There are a number of reasons why S-2106, in particular, is flawed. In addition, there are a number of considerations to be given to a general moratorium on this kind of legislation. They are listed below.

1. Non-discrimination and equality of sexes are fundamental goals, which transcend particular program "needs".

Equal opportunity and equal access are fundamentally important considerations which should not be subjugated to other special considerations.

2. Title IX Regulations should be left undisturbed for the immediate future.

a. The Title IX regulations were only recently issued after two years of discussion and debate. Institutions need time to adjust to them and plan accordingly. To make changes now only opens the door to a flood of revisions, making compliance efforts difficult and certification of compliance confusing.

b. In the debate and discussion on Title IX preceding the issuance of final regulations, accommodations for the special needs of intercollegiate sports activity were made. Further changes should not be made until HEW and institutions have gained some experience under the current regulations.

3. S-2106 is ambiguous; terms must be defined.

S-2106 is unclear. The ambiguity of the language guarantees that widely variant activities could persist at different institutions. In order for the law to have meaning, such terms as gross receipts, donations, intercollegiate athletic activity and required must be defined.

4. The consequences of S-2106 will be uneven, and will increase differences in programs, both for men and women, resulting in unequal competition.

Since the determination of "what is required" is left to institutions themselves, the consequences of such individual assessment will surely be uneven. If this part of an institution's activity is exempt from Title IX law, to whom does an aggrieved student appeal for redress from the unequal consequences of such legislation? Given the fact that the basis for exemption from Title IX will be "in the institution's budget", the inclusion or exclusion from Title IX's provisions will vary from institution to institution depending upon how the books are kept.

Since this section deals with intercollegiate competition, it is suggested that the uneven practices which will exist from institution to institution will result in an unevenness of the competition itself. How could the Federal government administer such a law fairly - for students and to institutions?

5. The exemption of athletics from the rest of Title IX is not so clear as might be assumed. Given a "separation", compliance efforts by HEW might truly jeopardize institutional independence.

The funding of college athletics is a complex matter varying from institution to institution throughout the nation. Any legislation which bases (or chooses to exempt) protection of rights of individuals on "funding" invites difficulties. The funding of athletics in many institutions involves student fees, which are subject to other Title IX Regulations; and the playing of athletic events involves usually the use of resources (facilities, coaches/faculty) which are also subject to parts of the Title IX Regulations. To base the exemption on revenue considerations alone creates complications with other parts of the Regulations. These complications could result in complaints under the Title IX law. How are these complaints to be resolved?

It seems that if the complaints were to be addressed to HEW, HEW would have to possess extraordinary powers and rights truly violative of institutional independence in order to examine the budget details necessary to establish the legitimacy or illegitimacy of a complaint. With only one part of an institution's program "exempt", what limits are there on HEW's investigative powers within the institution?

6. S-2106 would exempt institutions from self-evaluation in the intercollegiate area.

The exemption of revenue producing sports from self-evaluation might serve to perpetuate unevenness in sports programs and the continuation of programs in which no one had a particular interest. With an exemption there would be no requirement (or incentive) to evaluate discrimination in funding policies and programs.

While HEW has used the concept of "infecting discrimination" to justify extending Title IX to areas not directly receiving federal funding, i.e. housing, it is unclear as to how that concept can be used in one area while the area of athletics is exempted.

In conclusion, this legislation tends to treat sports as "commercial" ventures parallel to, but not part of, American institutions of higher education. Rutgers favors a more integrated concept of athletic programs and believes that, insofar as there is to be national policy on this matter, the over-riding principles of equal opportunity argue for an integrated approach over that embraced by the legislation in question.

September 11, 1975

STATE OF ILLINOIS
DEPARTMENT OF MENTAL HEALTH

LeRoy P. Levitt, M.D., Director

INSTITUTE FOR JUVENILE RESEARCH
RESEARCH HEADQUARTERS
1140 South Paulina Street
CHICAGO, ILLINOIS 60612
312-341-6363

Refer to: ____________

September 12, 1975

Senator Claiborne Pell
Senate Committee on Labor and
Public Welfare
Washington, D.C. 20510

Dear Senator Pell:

This letter is in reference to the Tower Bill, S2106, attempting to exempt physical education from the Title IX requirements that prohibit sex discrimination in federally assisted education programs. As you know, one of the main reasons that athletics is promoted for adolescents and young adults - in high school, college and other educational settings - is the general impression that it is good for their mental as well as physical health. Popular belief has it that athletics might be "character" building, and recent scientific statements tend to support the idea that it has strong positive mental health value in adolescence.

As you know, adolescence is a time of turmoil or potential turmoil for many of our youth. Dan and Judith Offer's work documents the extent to which adolescent men find sports participation helpful in channeling energies, "blowing off steam", and helping them keep their mental and emotional balance during adolescence.[1] By contrast, what happens to adolescent women may be viewed as a virtual catastrophe. Prior to adolescence, fewer girls than boys are brought to psychiatrists and child guidance centers for mental health assistance. School performance and achievement of girls is greater than that of boys. After adolescence, both these figures are reversed. We now find a decrease in both the average school performance and achievement, followed by a dramatic increase in the proportion of women seeking treatment for psychiatric disorders. And, as you know, a large and increasing number of young adolescent women begin having children under circumstances which virtually guarantee that it will be difficult or impossible to provide adequate care.

While it is certainly true that the great discrepancy in athletic programs available to adolescent women as opposed to adolescent men does not account for this disastrous change in their relative mental health status, it does seem clear that athletic opportunities may

---

1. Offer, Daniel - The Psychological World of the Teen-ager, Basic Books, Inc., 1969
   With Judith Baskin Offer - From Teenage to Young Manhood, Basic Books, Inc., 1975.

play a significant role. It is not only a matter of simple justice for young women (although that is very important) but clearly it is a matter of great importance to this society as a whole that we remedy this discrepancy in available athletic opportunities as rapidly as possible. The Tower Bill is regressive in this regard and should be defeated. It is probable that Senator Tower is well motivated but unaware of the scientific evidence and social implications bearing on this point.

I hope you will give these various issues the attention and discussion which I feel they deserve.

Sincerely,

Anne M. Seiden

Anne M. Seiden, M.D.
Director of Research

AMS:em

cc: Senator Charles Percy
Senator Adlai Stevenson

5806 Kate Daum
Univ. of Iowa
Iowa City, Iowa 52242
September 12, 1975

The Honorable Senator Claiborne Pell
325 RSOB
Washington, D.C.

Dear Senator,

I am writing to you in regard to an amendment proposed by Senator Tower pertaining to the women's sports bill, Title IX. I understand that the amendment is coming before your sub-committe on education very soon and would like to voice my objections to the proposal before you vote.

1. Such an amendment clearly allows the continuance of sex discrimination which would supress the the advancements of the many newly adopted women's athletic programs.

2. Such an amendment would have adverse effects on the so-called "minor" men's sports which very often need as much help as the women's programs.

3. The charges that Title IX will destroy men's sports are clearly unsubstaniated.

Last year when I first came to the University of Iowa and went out for the volleyball team, I was very dismayed at the ability of both the coaches and players. This year, however, with the addition of scholarships and reevaluation of the programs, there is a definitely visible advancement in both the coach's and player's ability. I am very much impressed with the current leaps that women's sports have taken for I feel that they have been able to learn much from the men's programs which have provided much insight to the good and the bad.

I hope you will take this letter and consider reevaluating your opinion on the amendment if you are in favor of it. Being a student, I have always been told that I am to write my Senator when I have a complaint so although I am from Illinois, I hope you will take my objections to Senator Tower's amendment and persuade the members of your committee to vote against his unwarrented proposition.

Thank you for listening.

Sincerely,
Katie Ba
Katie Barnes

Women's
Intercollegiate Athletics

September 12, 1975

Senator Claiborne Pell
U.S. Senate
Washington, D.C. 20510

Dear Senator,

The University of Nebraska-Lincoln Woman's Athletic Department is definitely opposed to the Tower and O'Hara Bills.

We feel that any bill designed to weaken Title IX will be a detriment to the advancement of equal educational opportunity. Women's Intercollegiate Athletics, as well as many other areas in education need Federal support in order to move closer to our country's goals of non-discrimination and equality.

If the Tower and O'Hara Bills are passed, needed support would be taken away from Women's Athletics, therefore resulting in a definite setback of women in sport.

Please include this letter in the formal record of the hearings on the Tower Bill, and on any other bill which would cut back on Title IX coverage.

Sincerely,

Aleen Swofford

Aleen Swofford
Women's Athletic Director
University of Nebr.-Lincoln
Lincoln, Nebr.

cc: Senator Claiborne Pell
Senator Tower
Representative James O'Hara
Senator Carl Curtis
Senator Roman Hruska
Representative Charles Thone

WOMEN'S INTERCOLLEGIATE ATHLETICS
SOUTH STADIUM • UNIVERSITY OF NEBRASKA
LINCOLN, NEBRASKA 68501 • PHONE 402-472-3685

INDIANA UNIVERSITY
Department of Intercollegiate Athletics
ASSEMBLY HALL
BLOOMINGTON, INDIANA 47401

September 12, 1975

TEL. NO. 812— 337-4770

Senator Clairborne Pell
Senate Committee on Labor
and Public Welfare
Washington, D.C. 20510

Senator Pell:

Six weeks ago, administrators of women's athletics programs heaved a sigh of relief when the Title IX regulations became effective. It seemed that on July 21, consideration could at last be turned to the priority item of trying to provide the best possible program of athletics for all students, regardless of sex.

Now it has come to my attention that a bill has been introduced by Senator Tower which would allow discrimination against women in sport when revenue is involved.

It is distressing, inconceivable that an advocate of the law would consider legislation specifically designed for the benefit of a special interest group, i.e. men's revenue producing sports. Directly affected of course would be women's athletics; the Tower amendment would eliminate any impact which Title IX presently carries.

The logic of creating legislation and then exempting certain factions completely eludes me. It has always been my understanding that laws are made to equally apply to all persons.

My own competitive athletic career was spent paying for my travel expenses, hitchhiking to cut transportation costs, and sleeping on floors in motels when we shared rooms with five or six competitors, not necessarily from our team. Needless to say, my athletic ability was deterred from developing because of the stressful conditions surrounding competition.

We can't allow young athletes to suffer the same injustices. Your opposition to the Tower Amendment will be much appreciated.

On behalf of the women athletes who are just beginning to experience the exhilaration of sports, thank you.

Sincerely,

Liz Ullman
Women's Sports Publicist

LU/rb

Ellen Dresselhuis
Karin L. Wille

Attorneys at Law

September 14, 1975

Senator Clariborne Pell
Senate Committee on Labor & Public Welfare
Washington, D.C. 20510

Dear Seantor:

I am writing to you in opposition to the Tower amendment (S2106) or any like amendment that would attempt to cut back on Title IX coverage. The Towers amendment would simply perpetuate past discrimination against women in sports. Under this amendment, athletic scholarships could be limited to men only; uniforms could be provided for men's teams but not for women's teams; travel for emn's teams could continue to be subsidized with no help for women's team travel; recruiting budgets could be limited to males athletics only. This would be a step backward and defeat the purpose of the Title IX regulations.

It is a proven fact that when women's teams are given institutional support that has in the past been reserved for men only, spectator support and gate receipts have increased dramatically. An example of this is found in Iowa where girls high school basketball outdraws boys basketball.

Please cast your vote against the Tower amendment or any amendment that would defeat the giant step forward we have taken with the Title IX regulations.

Sincerely,

Ellen Dresselhuis

Ellen Dresselhuis by J

JMB

The Ivy Tower / 4th Floor / 1115 2nd Avenue South / Minneapolis, Minnesota 55403 / Telephone (612) 332-6461

1002 Carrie Stanley
University od Iowa
Iowa City, Iowa 52242
September 15, 1975

Senator Claiborne Pell
Senate Committee on Labor
and Public Welfare
Washington, 20515

Dear Senator Pell;

I am a student at the University of Iowa and am concerned about the effects on Women's athletics if revenue sports were exempt from offering equal opportunity for women. Any weakening of the Title Nine bill is an attack on the opportunity for women in America. It would have definate adverse effects on Women's sports programs. I would appreciate an answer stating your stand on this issue.

Sincerely,

Cynthia French

Cynthia A. French

MEMORANDUM – *Department of Physical Education for Women* Date. . . . .
The University of Iowa, Iowa City, Iowa

TO: Senator Claiborne Pell

FROM: Bonnie Slatton

RE: Tower Amendment

I believe this amendment is in direct conflict with both the intent and the letter of Title IX regulations. I am hopeful that the decision of your committee will be to defeat the amendment in order that progress can be made toward true equality in educational offerings.

Thank you,
Bonnie Slatton
Assistant Professor

p.d.

MARVIN MANDEL
Governor

DEPARTMENT OF EMPLOYMENT AND SOCIAL SERVICES
MARYLAND COMMISSION ON THE
STATUS OF WOMEN
1100 NORTH EUTAW STREET
BALTIMORE, MARYLAND - 21201
(301) 383-5608

SHOSHANA CARDIN
Chairwoman

KATHLEEN M. CARTER
Vice-Chairwoman

ELAINE L. NEWMAN
Executive Director

September 16, 1975

Senator Claiborne Pell
Senate Committee on Labor and Public Welfare
Washington, D.C. 20510

Dear Senator Pell:

The Maryland Commission on the Status of Women is on record supporting Title IX of the Education Amendments of 1972, which prohibits sex discrimination in federally assisted education programs. We are unalterably opposed to S2106, introduced by Senator Tower, which would amend Title IX to permit the use of all revenues produced by specific athletic activities for those activities only.

We want to emphasize that Title IX does not require equal aggregate expenditures for members of male and female teams, but it does require that equal opportunity to participate in athletics be made available.

The proposed amendment would allow the continuation of gross differences in the treatment of each sex based on previously discriminatory practices, eg. greater expenditures for male teams which may have resulted in enthusiastic support of the team and large gate receipts and donations.

In our state, in 1974, the University of Maryland spent more on men's athletic scholarships ($540,000) than on the total women's sports program ($60,000). Moreover, in 1973 before Title IX was so imminent, Maryland spent only $23,000 on women's sports.

The Tower amendment would nullify the effectiveness of the significant Title IX legislation by perpetuating the very inequities which Title IX was created to correct.

We urge you to vote against the Tower amendment and any other proposals which would weaken the long-overdue mandate of Title IX.

INTERNATIONAL WOMEN'S YEAR 1975

We respectfully request that this letter and the enclosed report be included in the formal record of hearings on S2106.

Sincerely,

Shoshana S. Cardin

Shoshana S. Cardin
Chairwoman

CN:vtw
Enc. "Physical Education Section of the Report of the Chancellor's Commission on Women's Affairs - The Status of Women: Students"

cc: Senator J. Glenn Beall
Senator Charles Mathias
Richard A. Batterton, Secretary, Department of Human Resources
Frederick Dewberry, Executive Assistant to Governor Mandel

Phase I: Report of the Chancellor's Commission on Women's Affairs

The Status of Women: Students

University of Maryland
College Park

July 1974

2. That athletic facilities for women be improved, and services provided to male athletes (laundry, medical, etc.) also be available to women.

3. That philosophical questions such as whether women should be recruited for participation in athletics or whether scholarships should be granted to women as well as to men be resolved by a special task force, perhaps under the auspices of the Office of Human Relations.

4. That the University administration establish a permanent board to supervise the relative allocation of money and distribution of facilities and services between men and women in the area of athletics.

PHYSICAL EDUCATION

Findings:

Facilities and services available to women in physical education classes have been grossly deficient when compared with those available to men. For example, men receive free athletic uniforms and free laundry. Through the 1973-74 academic year women who were physical education majors were required to purchase their own uniforms, although non-majors (for the first time in 1973-74) received free uniforms. All women have had to supply their own laundry and purchase their own swim caps.

In 1974-75, however, as the result of a May 1974 meeting of female faculty in the Department, a new policy drawing no distinction between women's uniforms for majors and non-majors will be instituted. All women will thus receive uniforms, as well as free laundry.

Women students and instructors, however, still suffer from an inconvenience in the storage location for athletic equipment. This equipment is stored in the men's locker room. This means that female instructors must find male instructors to secure and bring necessary equipment to them when they hold classes. Similarly, the soft drink machine is located in the men's locker room. Again, women must bother their male counterparts to get for them what should be readily available to everyone. As a third instance, access to the first-aid room, which includes a whirlpool and other medical aids, is also denied to women because of its location. Use of the sauna is denied to women.

Women's locker room facilities at Cole are inadequate even for scheduled classes, not to mention use by small groups or individuals for physical fitness or recreational activities.

In general, information about currently available programs, facilities, and activities has not reached women who would make use of them. For example, many women are unaware of the excellent locker room facilities at the new North Central gymn, or the system for reserving gym space and equipment there for informal activities such as volleyball.

There is particular inequity in the scheduling of swimming pools (swimming being a very popular fitness and recreational activity among faculty and students). The swimming pool at Cole Fieldhouse is set aside almost exclusively for use by men, while the much smaller pool at Preinkert is assigned almost exclusively for female use. Free swim hours for men far outnumber those for women. Women complain frequently pool during recreational hours scheduled for them because nude males were still swimming in the pool and refused to get out.

Demand for intramural programs among undergraduate, graduate and faculty women is large and growing fast. While the women's physical education department does what it can for undergraduate, resources for expanded programs for all groups must be made available.

Facilities in Preinkert for women's recreation are in no sense equal in quantity, quality, or availability to the recreational facilities available to men in Cole. There is need for gym time to be reserved for use by women who have individual exercise programs, including those who wish to practice self-defense skills.

Outdoor athletic fields are also inadequate to meet demands by male and female groups. The lack of bathroom and drinking water facilities near these fields causes some women's residence hall bathrooms to be occupied by groups of men, who ignore requests to leave.

Recommendations:

1. That those responsible be commended for the decision to provide women in physical education classes with the same services provided men -- free athletic uniforms and laundry service.
2. That the equipment room in Cole Fieldhouse be immediately relocated and redesigned to be equally accessible to male and female instructors.
3. That the first aid room in Cole Fieldhouse be redesigned so that its therapeutic aids can be equally available to both sexes.

4. That sauna facilities be made equally available to both sexes on an alternating time basis.

5. That the soft drink machines in all athletic facilities be located where they are equally accessible to both sexes.

6. That an information program in campus media and orientation materials be instituted to inform student, faculty and staff women of sports facilities and programs available to them.

7. That assignment of time in swimming pools be made to both sexes on an equitable basis, with life guards or other responsible persons assigned to make sure that swimmers vacate the pool on schedule.

8. That funds be allocated to increase intramural programs for undergraduate women, and to begin programs for graduate, faculty and staff women.

9. That all funds allocated in the future for athletic facilities and physical education programs be spent so as to equalize opportunity for participation and/or use by women.

10. That locker room facilities in Cole Fieldhouse be reallocated so that space for women is increased.

11. That lavoratories and drinking fountains for men and women be installed adjacent to outdoor playing fields, where they are now lacking.

SAFETY AND SECURITY

Safety and security are of great concern to women and to men on the College Park Campus. Statements of this concern were forcefully voiced by campus women during open and closed hearings held by this Commission. Spokeswomen for the diverse campus women's groups, ranging from University Hills Apartments wives to Greek Women to women in staff positions, discussed the pervasive fear surrounding women on campus.

CONSORTIUM OF UTAH WOMEN IN HIGHER EDUCATION

1532 Michigan Avenue
Salt Lake City, Utah 84105

September 16, 1975

Claybourne Pell, U.S. Senator
Senate Committee on Labor & Public Welfare
Washington, D.C. 20510

Dear Senator Pell:

We are writing to express the concern of our group over the Tower Bill which we understand is aimed at excluding physical education classes and revenue producing sports from Title 9 of the Higher Education Act. We are strongly opposed to this attempt to modify Title 9 in this manner as we feel it would significantly affect implementation of the concept of sexual equality in educational institutions.

There has been a tremendous amount of public disclosure of the inequities that exist between men's and women's athletic programs during the several months when Title 9 was being debated. Nevertheless, we want to affirm that gross inequities do, in fact, exist at both the secondary and university levels. These inequities focus on scheduling of facilities, travel funds, uniforms, program budgets, and salaries.

We are only now beginning to see changes that may, in time, rectify the existing situation. We attribute these changes, essentially, to the force of Title 9. For that reason we feel impelled to speak against the Tower Bill which would nullify a primary component of this legislation.

We are very much aware of the feelings of the NCAA and of their previous attempts to exclude athletics from Title 9. It is difficult for us to believe that providing greater opportunities for women in sports would mean the demise of men's athletics, as has frequently been alleged. It was good to learn the NCAA recognizes that some changes in their very costly programs are necessary and that they have taken steps toward making these changes. However, it has been disappointing to learn that many prominent athletic directors and coaches are fighting the changes that emerged from the NCAA meeting--casting some doubt on their willingness to work toward solutions to problems posed by the athletic provisions of Title 9.

In regard to physical education programs, we feel that Title 9, as it is now written, will not only promote equal opportunity and practice in physical education classes, but that it will also promote better utilization of personnel, facilities, and expertise. In our judgment, professional personnel from those schools which are now operating on a coeducational basis feel it is successful. Opposition seems to be centered among those whose programs are highly differentiated for men and women, or boys and girls.

We strongly urge that Title 9 not be amended to exclude either revenue producing sports or physical education programs.

Sincerely,

Inge Adams

Inge Adams, Chairperson
Task Force on Title 9

Janice Pearce

Janice Pearce, Member
Task Force on Title 9

cc: Senator Moss
Senator Garn

NORTHWESTERN UNIVERSITY
EVANSTON, ILLINOIS 60201

THE PROGRAM ON WOMEN
619 EMERSON STREET

September 16, 1975

Senator Claiborne Pell
Senate Committee on Labor and Public Welfare
Senate Office Building
Washington, D.C. 20510

Dear Senator Pell:

I would like to go on record as indicating my very strong opposition to the Tower bill and any other bills which would cut back on Title IX coverage. My own experience and efforts with Affirmative Action in university settings indicate to me the importance of strong regulations which will indicate without equivocation to university administrations that they must obey the law of the land and end discrimination against women and other minorities. I enclose reports which I have written and reports of investigations in which I have participated which indicate how little university governance will be responsive to appeals to end discrimination without some effort at strict enforcement. Enclosed, then, please find copies of the report on the Fresno Sociology Department (published in the The American Sociologist), the investigation of the Department of Sociology at the University of California at Berkeley (in mimeo; since published in Footnotes, The American Sociological Association bulletin, August, 1975), and unpublished reports: one on an investigation of the Sociology Department at Yale University and one a paper on the Gentleman's Club in the university.

I would be happy to hear from you or representatives at your office about the decisions that you make and the reasons upon which these decisions are grounded.

Sincerely,

Arlene Kaplan Daniels (DM)

Arlene Kaplan Daniels
President, Sociologists for Women
in Society
Director, Program on Women

AKD/ss
cc: Arvonne Fraser, Legislative Representative for Women's Equity Action League
Bernice Sandler, Project on the Status and Education of Women
Barbara Reagan, President, Women's Caucus in Economics
Alice Shafer, Caucus of Women in Mathematics
Irene Murphy, Federation of Organizations for Professional Women
Helen Astin, American Women in Psychology
Anne Truax, University of Minnesota Women's Center
Lynda Lytle Holmstrom, Department of Sociology, Boston College
Pamela Roby, Department of Sociolgoy, University of California, Santa Cruz

SOUTHERN METHODIST UNIVERSITY

Division of Fine Arts

Meadows School of the Arts
Dallas, Texas 75275
214-692-2489

September 17, 1975

United States Senate Subcommittee on Education
Washington, D. C.

Dear Senators:

As a faculty member of Southern Methodist University, whose Chancellor, I understand, testified before you in favor of the Tower bill; and as a former member of Southern Methodist University's Faculty Athletic Committee, I urge you to DISAPPROVE THE TOWER BILL and any other which attempts to limit the funds we invest in the futures of young women athletes.

I disapprove the spending of great sums on athletics for either sex; since personal excellence has little to do with expenditure. But any sum must be divided equally. I assure you it is not at this university; and women's programs are suffering because of the shortage.

Sincerely,
Mary Vernon
Mary Vernon
Associate Professor of Art History

September 17, 1975

Senator Claiborn Pell
Committee on Labor and Public Welfare

Dear Senator Pell,

I would like to express my opposition to the "Tower Amendment", S.2106, to Title IX of the 1972 Higher Education Amendments. This legislation would virtually negate the whole of Title IX as it yeilds to the baser special interests of revenue producing intercollegiate athletics. It is long past time to pursue equal opportunity to education for women, through comperable funding in athletics.

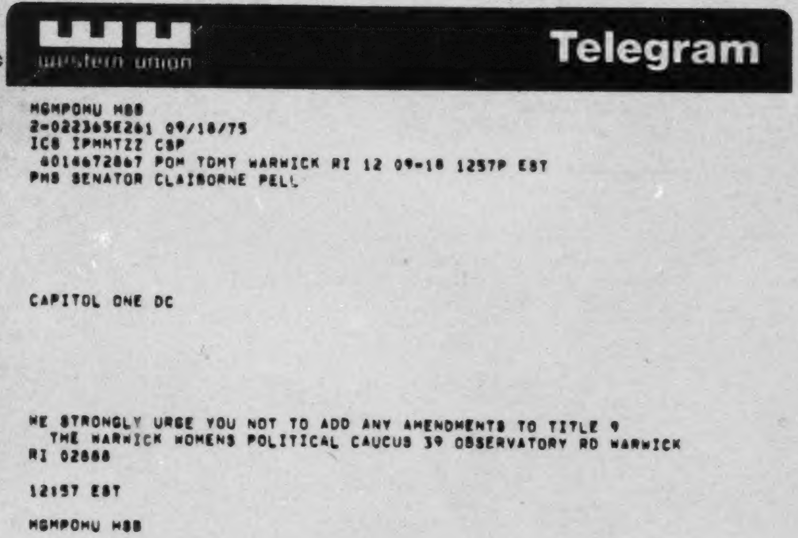
While it is inevitable that the goals of Title IX will one day be accomplished, such rear guard actions as proposed in S.2106 will only prolong the unsatisfactory state in which intercollegiate athletics now finds itself. In addition, there is no reason to further embitter proponents of fair treatment for women. It, therefore, seems only reasonable for the more perceptive friends of revenue producing sports to work toward positive implementation of the current statute.

Please deeply consider the implications of continued denial of fundamental fairness in education to women.

With sincere concern,

Jerry Lawson
Jerry Lawson
Tempe, Arizona

cc.
Senator Barry Goldwater
Senator Paul Fannin



western union

Telegram

MGMPOMU MSB
2-022365E261 09/18/75
ICS IPMMTZZ CSP
4014672867 POM TDMT WARWICK RI 12 09-18 1257P EST
PMS SENATOR CLAIBORNE PELL

CAPITOL ONE DC

WE STRONGLY URGE YOU NOT TO ADD ANY AMENDMENTS TO TITLE 9
THE WARWICK WOMENS POLITICAL CAUCUS 39 OBSERVATORY RD WARWICK
RI 02888

12:57 EST

MGMPOMU MSB

UNIVERSITY OF MISSOURI-COLUMBIA

Women's Athletic Programs

124 McKee Gymnasium
Columbia, Missouri 65201
Telephone (314) 882-4016

September 18, 1975

The Honorable Senator Claiborne Pell
Senate Labor and Public Welfare Committee
The United States Senate
Washington, D. C. 20510

Dear Senator Pell:

I have written Senator Eagleton voicing my opposition to the Tower Bill (S2106) and the O'Hara Bill (H.R. 8395) and other bills which would cut back on Title IX coverage.

I definitely feel that any attempts to weaken Title IX and its coverage of sports is a direct attack on the rights of American women and girls. I have indicated to Senator Eagleton that women and girls across the country will watch Congress closely, and its actions on this issue will be felt at the polls in the 1976 election.

Women athletes at the University of Missouri, their supporters, and many high school female athletes across the State (along with their parents) will be most upset if the present Title IX coverage is weakened. As a representative of many fine women athletes, may I ask that you PLEASE do not take away from them the opportunity for which they (we) have so long awaited. The women athletes at Missouri (and I'm sure, across the United States) are hard-working student-athletes which is displayed daily at practice sessions, training periods, and finally, in competition. I urge you and your committee to examin this issue with extreme caution, keeping in mind that these individuals are not only voters, but they really possess excellent athletic talent. Please do not deny them the right to pursue their athletic interests and further develop their athletic talents.

Thank you for your interest in this issue. I will anxiously await the outcome of your hearings, and hope that I may report favorably to the 125+ female athletes at the University of Missouri.

Sincerely,

Miss Alexis Jarrett, Assistant Director

Encl.

an equal opportunity institution

University of Missouri-Columbia

We've
Got Big Shoes
to Fill!

Women's Athletic Program

Basketball

Mizzou's basketball team captured a berth in the 1975 State Championship Playoffs for the first time since 1969. The squad "rebounded" from a 3-11 record in 1973 to an 8-7 regular season record in 1974-75. Seven veterans led the team, while a number of talented rookies added depth to it.

The squad was a young but dedicated bunch. Offensively the female Tigers were aggressive and excellent ball handlers. Defensively, the team was tall and quick and used its height for backboard advantage.

Team members practiced a minimum of eight hours a week and were required to condition for four weeks prior to season play.

The Hearnes Multipurpose Auditorium provided practice and game facilities for the team. The 1974-75 season marked the first time that a female basketball game was staged on the big Hearnes floor.

Field Hockey

Mizzou's field hockey team battled to a first-place tie in a field of eight in the Missouri State Field Hockey Championship Tournament for the second time in two consecutive years. The Tigers look forward to the coming year, when some highly talented freshmen and sophomores will return with team experience under their belts. The squad carries 22 members and requires depth in many positions.

The field hockey season starts in early September and runs until mid-November. Team members practice for four and a half hours a week, with game play on weekends. Their coach has implemented a vigorous pre-competition conditioning program.

Individuals who demonstrate an excellence in the sport may be chosen to represent Missouri in the prestigious St. Louis Selection Tournament. For the first time in field hockey history, a collegiate national championship will be held in 1975 with the AIAW and United States Field Hockey Association (USGHA) co-sponsoring the event.

Golf

Mizzou's golf team faces some of the best competition in the nation. Its fall and spring schedules feature contests against top-notch golfers from the Big Eight, Big Ten, and Southern Conferences. The University of Missouri and Stephens College co-hosted the first Women's Missouri Intercollegiate Invitational in October 1974.

Missouri has an excellent 18-hole course, as well as putting greens and a driving range. All these are available to team members for their four and a half hours of scheduled practice a week. The hard-working Missouri golfers are also required to observe strength and endurance training through the "off" season.

Softball

The women's softball team placed second in the state last year—right behind champion Southwest Missouri State. More than 80 women signed up for tryouts this year, including every member of last year's team except one. . .a second-team All-American catcher. A good year is expected as many upper classmen returned to accept the challenge to be Number One. Pre-season favorite Missouri began workouts in mid-February in preparation for a short, but action-packed three-week season. State Championship play begins April 25th, with Mizzou hoping for a berth in the national championship.

Swimming

The University of Missouri swimmers won their fourth consecutive Missouri State Championship and a third-place finish in the Big Eight Championships in 1974-75. Several state records fell as some of Missouri's highly-talented swimmers shaved off crucial seconds in several events. Two Missouri team members were early-season qualifiers for the national championships in March and several others were close to qualification.

The swimmers competed in Big Eight Competition for the second time in UMC's women's swimming history. Eighteen swimmers and two divers attended daily two-hour workouts from October through February.

The swimmers use the University pool for practice and meets, and also have an early pre-season land conditioning program. This year's squad also has outstanding academic records: the team recorded a 3.08 GPA for the fall semester and a 3.11 cumulative GPA for all its members.

Track and Field

The newest sport on the agenda is Missouri's women's track and field team. The team participated for the first time in UMC history in an indoor track meet with the men's team. Because it is a building year and large numbers are not yet involved, this sport provides an ideal opportunity for participation among incoming freshmen. With 325 high schools in the state sponsoring track and field, Missouri expects to be a first-rate competitor in a very short time.

The women began conditioning in early October and used the 220-yard track in the Hearnes Multipurpose Building. The track consists of nine straight-away lanes, eight lanes on the corner, and six lanes for hurdles. The facility also boasts a long jump pit, a high jump crash pad, and ample room for spectators. Other field events are included in the outdoor program. Meets scheduled include the Bearcat Relays in Maryville, the Kansas Relays in Lawrence, and the Big 8 Meet at Iowa State University.

Tennis

Tennis, thanks to the Billy Jean Kings, Chris Everts and Evonne Goologongs has taken a giant leap to the forefront among athletics on all levels of U.S. competition. At the University of Missouri the scene is no different.

Eight hours of practice is expected of each individual per week. Six new intercollegiate courts are available for outdoor practice and there are four new indoor courts available in Columbia. Several spring tournaments are scheduled, including the Missouri Valley Tournament in Lawrence, Kansas, the State Collegiate Meet and a 4-college match in Columbia.

Volleyball

Excellent defense along with a powerful offense led the power volleyball team to a second-place finish in the State Tournament. It qualified for the seven-state regional playoffs held at the University of Nebraska.

Volleyball is a popular sport at UMC. Competition for positions on the team is keen. More than 50 women tried out for the team which has consistently been one of the top two teams in the state.

The University of Missouri-Columbia is
an equal opportunity institution

Billy Jean King, Wyomia Tyus, Donna deVarona, Joan Joyce, Laura Baugh, Mary Jo Peppler, Micki King. These women have led the way, and the University of Missouri has programs which are training women to follow in their footsteps.

WOMEN'S ATHLETICS AT UMC

The TIGER football and basketball teams, as well as its baseball, track, wrestling and swim teams, have created a solid foundation on which to build. In keeping with Mizzou's strong athletic tradition, the UMC women have embarked on a building program in basketball, field hockey, golf, tennis, softball, swimming, volleyball, and track and field. The goal in each sport is excellence. We expect to reach it by offering opportunities to the academically gifted student athlete. The program is one of the few in the country which is not connected with the men's athletic department or the women's physical education department. The University has hired well-qualified college graduate coaches for the women's program. The coaches carry no teaching responsibilities and can devote adequate time to their coaching duties.

CONFERENCE

The University of Missouri competes in the Missouri Association for Intercollegiate Athletics for Women, and the Association for Intercollegiate Athletics for Women Region 6, which includes the states of Minnesota, North and South Dakota, Nebraska, Iowa, Kansas, and Missouri. Success in the conference can lead to participation in the National AIAW Championships.

GOVERNING BODIES

All those who participate in the women's intercollegiate sports program on the campus are governed by the policies and regulations of the following groups:

(1) the national Association for Intercollegiate Athletics for Women (AIAW)

(2) The Regional 6 AIAW

(3) the Missouri Association for Intercollegiate Athletics for Women

(4) the University of Missouri governed by the Women's Athletic Program Committee which consists of seven members: five faculty members and two students.

ELIGIBILITY

The participants in the Women's Intercollegiate Athletic Program must:

(1) Be a full-time undergraduate student enrolled for a minimum of 12 credit hours each semester;

(2) Maintain either a minimum cumulative grade point average of 2.0 or a minimum grade point average of 2.0 during the last full-time semester at the University;

(3) Abide by AIAW, University and department policies and regulations with regard to entrance requirements, maintaining amateur status, and medical examinations.

The University

The University of Missouri-Columbia was founded in 1839, the first state university west of the Mississippi River.

It is located in Columbia, a city in central Missouri 125 miles west of St. Louis and 130 miles east of Kansas City.

Columbia is a college town. Besides the University, it is the home of Stephens and Columbia colleges. About 25,000 students make up a large part of its 65,000 population.

There are 23,000 students enrolled in UMC's 16 academic divisions. The University is accredited by the North Central Association of Colleges and Universities.

Admissions

All prospective students are required to submit an application for admission to UMC. There is no application fee for Missouri residents. Out-of-state undergraduate students are required to submit a non-refundable application evaluation fee of $10.00.

Admission to the freshman class is determined by a combination of the applicant's high school class rank and a required aptitude test score. One of the following tests must be used: School and College Ability Test (SCAT, Series II, Form 1C and Form II B); American College Test (ACT); College Entrance Examination Board (CEEB or SAT); or the Ohio State University Psychological Test (OSUP). In addition to an admission test, freshmen are required to take the Freshman Placement Tests prior to registration.

An out-of-state freshman applicant must be a graduate of an accredited high school, and the combination of the class rank and aptitude test score must indicate an appreciable higher probability of success than the standards applied to Missouri freshman applicants.

For admissions applications and further information, write to the Director of Admissions; 130 Jesse Hall; University of Missouri; Columbia, Missouri; 65201.

Financial Aid

There will be a limited amount of financial aid available for incoming freshmen student athletes in 1975-76. Aid will be available in all sports; basketball, softball, volleyball, track and field, swimming, field hockey, tennis, and golf. Dual athletes may participate in softball along with field hockey, volleyball or basketball only. Participants in other sports are limited to membership on one team only, due to overlapping seasons.

As stated earlier, we are interested in the academically gifted student athlete. We will consider for financial aid to freshmen, only students ranking in the top 25 percent of their graduating class. This does not eliminate a freshman below this ranking from trying out and earning a starting position on any team. It eliminates them from consideration for financial aid, as an incoming freshman, only. Conversely, an incoming freshman receiving financial aid is not guaranteed a starting position on any team; however, she is obligated to participate on the team of her choice. Financial aid will be awarded for one year only. It will, however, be renewable. Applications for financial aid must be received no later than May 15, 1975. Students wishing to receive applications are requested to write to:

Miss Alexis Jarrett, Assistant Director
University of Missouri
124 McKee Gymnasium
Columbia, Missouri 65201

Principals, coaches, counselors and professional personnel are invited to phone the Women's Athletic Office in Columbia, Area Code 314-882-4016, for further information. This office will be open from 9:00-12:00 p.m. and 1:00 to 3:00 p.m. Monday through Thursday and 9:00 a.m. to 12:00 noon on Friday.

Intercollegiate Association of Women Students
NATIONAL OFFICE: BOX 2 • 2401 VIRGINIA AVE., N.W. • WASHINGTON, D.C. 20037

National President
Margy DuVal
c/o Dean of Freshmen
Susquehanna University
Selinsgrove, Pa. 17870

Executive Director
Lynn Heather Mack
P.O. Box 7867, Reynolds Sta.
Winston-Salem, N.C. 27109
(919 - 725-9711, Ext. 382)

National Adviser
Renee J. Nesbitt
Assistant Dean of Women
Louisiana State University
Baton Rouge, La. 70803

National Adviser-Elect
Linda Ewing
Assistant Dean of Students
Executive Building
Purdue University
Lafayette, Ind. 47906

Regional Vice Presidents
I - Alice Townsend
Washington State University
II - Darlene Geralczyk
Northern Arizona University
III - Linda Weippert
University of Kansas
IV - Martha Stedham
Texas Woman's University
V - Siri Clemetsen
Central Michigan University
VI - Stefanie Yova
Miami University, Ohio
VII - Michele Staschak
Bloomsburg St. College, Pa.
VIII - Debbie Albert
University of South Carolina

302 Trout Hall
Mt. Pleasant, MI 48858

September 18, 1975

Honorable Claiborne Pell
U.S. Senate Office Building
Washington, D.C. 20510

Dear Senator Pell,

As a representative of women students, I am writing with concern of the Towers Amendment, presently being discussed in the Senate Labor and Public Welfare committee.

To even consider putting this proposed bill before Congress, would be in total hypocrisy of the recently passed Title IX Amendment. I have faith in the committe that it will see the gross inequities of this proposed amendment and will not allow it to be brought out of committee.

Women pay for these facilities out of our fees for tuition. There are also many women alumni who are paying into the university, to help alleviate capital outlay of these glamorous sports facilities. In addition, through our annual activities fees added automatically to our bills we are paying into the sports area.

I feel that it would be a step backward in our present day, to initiate this bill. We have not yet ever retracted any rights enacted by Congress, by no means should we start now!

Before closing, we all wish to thank you for your efforts in the passage of Title IX. Leave it the way it stands. Thank you for your deep consideration in this and any further matters concerning equality of the sexes.

Sincerely,

Siri Clemetsen
Region V, Vice-President

SIU

Southern Illinois
University at Carbondale
Carbondale, Illinois 62901

Department of Physical Education for Women

September 19, 1975

Senator Claiborne Pell
U. S. Senate Office Bldg.
Washington, D.C. 20510

Dear Senator Pell:

As a professor of physical education for twenty-two years it is my professional judgment that the O'Hara Amendment and the Tower Bill would both seriously hinder any progress which can be made in providing equal opportunity for women in physical education, athletics, and sports in general. I am very much opposed to these measures and would request the following:

1. that you oppose them
2. that you request that my letter be included in the formal record of the hearings on the Tower Bill
3. that as a sign of support for equal opportunity for women and girls you enter something about women and sports in the Congressional Record
4. that you inform me as to whether or not you intend to oppose attempts to amend Title IX's coverage of sports.

I would be most appreciative for an early reply.

Sincerely,

JoAnne Thorpe

JoAnne Thorpe
Professor and Chairperson

JT:dt

695 LAWRENCEVILLE ROAD
PRINCETON, NEW JERSEY 08540

September 19, 1975

Senator Claiborne Pell
Senate Committee on Labor and Public Welfare
Washington, D.C. 20510

Dear Senator Pell,

I am writing to express my opposition to S. 2106, the Tower Amendment to Title IX of the Education Amendments, and to any similar bills designed to limit Title IX coverage. This bill is particularly damaging to the spirit of Title IX because it allows discrimination where money is involved--it would perpetuate the present gross inequities in the funding of male and female intercollegiate athletics. Men's sports are now able to generate some money to help support themselves because of the subsidies they have received in the past and continue to receive. Women's teams are entitled to the same opportunities, and limitations imposed by such legislation as the Tower Amendment are in fact discriminatory in the same way past policies have been.

The terms of the bill are vague and open to a variety of discriminatory activities which would be protected from examination or regulation by that very vagueness.

This bill and any others like it are basically regressive, and have far-reaching implications in the area of women's rights legislation.

I urge you to oppose this bill, and I ask you to include this letter in the formal record of the hearings on it.

Thank you.

Sincerely,

Adele Simmons /sw

Adele Simmons

cc Senator Clifford P. Case
Senator Harrison A. Williams, Jr.
Representative Millicent Fenwick

224-C Eisenhower St.
Princeton, N.J. 08540
September 20, 1975

Senator Claiborne Pell
Senate Committee on Labor and Public Welfare
Washington, D.C. 20510

Dear Senator Pell,

I am writing to indicate my opposition to bill S2106, introduced by Senator Tower of Texas, and to any other similar bills eroding in any way the implementation of Title IX (Civil Rights Act) in federally assisted education programs. It is especially important that Title IX coverage of athletics and sports not be undermined, as this is an area where gross inequities have existed and continue to exist, in budgeting, equipment, scheduling, and support facilities. Yet this is exactly what Senator Tower's bill proposes to do, by exempting "intercollegiate activity insofar as such activity provides to the institution gross receipts or donations required by such institution to support that activity".

In the past (and continuing into the present) it has typically been certain men's sports which produce revenue, because the sponsoring institutions have traditionally decided to have it so. Nor has any attempt been made, in many cases, to develop women's sports into revenue producing sports, even when these sports are parallel to the money producing men's sports and seem readily convertible into revenue producing sports. Such is the case at Princeton, where admission is charged for men's varsity football, men's hockey, men's swimming, men's lacrosse, men's baseball, and some men's track events. Yet women's basketball, swimming, lacrosse, and hockey are not similarly revenue producing. If the Tower bill is adopted, these women's teams would be denied the benefit of revenue produced by the male sports (which would be for the "support" of those male sports), and these male sports—which are among the major ones at Princeton—would be exempted from extensive Title IX coverage.

I submit, then, that it is necessary that Title IX implementation be at least as extensive as required by the current guidelines. A further look at the problems a representative women's team at Princeton, the women's basketball team, has faced, illustrates this fact. Last year male athletic department heads told the members of the women's basketball team that the two playing courts, called the 'Main' and the 'Side' courts, were equal. This assertion was meant to justify having the women practice on the 'Side' court. However, when scheduling courts for actual games, the women were again pressured to use the 'Side' court, the justification being that since they'd practiced on it they were used to it—in contradiction to the earlier assertion that the courts were equal. This allowed the men's team to practice on the 'Main' court during the women's games. Further, on the 'Side' court, the scoreboard could not be seen from the players' bench, while it could be seen conveniently from all locations on the 'Main' court. Nor did the 'Side' court have bleachers or facilities for spectators, with the exception of a few bleachers which could be moved to the 'Side' court. The women's team was also distracted during games by the men practicing on the nearby 'Main' court, while the reverse was not true. This situation indicates an issue far deeper than that of mere facilities—

that of institutional recognition. Forcing the women to play on the 'Side' court showed a lack of respect for them and their (considerable) achievements, and physically and psychologically deprived them of spectators.

Another inequity suffered by the same women's team is in the area of uniforms. Last year the men received whole new game uniforms, while the women had to continue to use makeshift cotton uniforms provided three years earlier through the efforts of a team member (as an alternative to tunics provided by the athletics department; these tunics were then passed to the women's field hockey team, which still uses them). The women did not even receive new sneakers. The warmups used by the women's basketball team are shared with two other women's teams--field hockey, and lacrosse--and are, on the whole, sized for women up to about 5'2" and 110 lbs.--the result being that they fit many of the women very poorly.

Many women across the nation feel that even as now formulated, Title IX guidelines are too weak to protect completely the rights of women and girls in school sports programs. In order to protect women against inequities such as those cited, Title IX guidelines must remain at least as strong as now formulated. Persons such as yourself, Senator Pell, must protect these guidelines against further inroads.

Thank you for your consideration. I would appreciate your including this letter as part of the testimony in the formal record of the hearings on the Tower Bill.

Sincerely yours,

Priscilla E. Hayes
Princeton University '75

COPY

HEART OF MISSOURI GIRL SCOUT COUNCIL

419 MADISON STREET PHONE 314-634-3414
JEFFERSON CITY, MISSOURI 65101

September 22, 1975

The Honorable Claiborne Pell
Senate Committee on Labor and Public Welfare
Washington, D.C. 20515

Dear Sir:

I am opposed to the Tower Bill (S2106) and the O'Hara Bill (H.R. 8395) and any other bills which would cut back on Title IX coverage. It is my belief that any weaking of Title IX's coverage is an attack on the rights of American women and girls.

High schools and colleges across the state of Missouri have stepped up their support and opportunities available to young women in reguard to athletics. I think many will consider it a definite breach of faith if women and girls across the country are once again denied the opportunity to pursue athletic interests and further develop their athletic talents.

Thank you for your representation; and I'm certain that you will convey my attitude and that of many Missouri women to the SENATE LABOR AND PUBLIC WELFARE COMMITTEE and other Congresspeople in Washington.

Sincerely,

Ms. Jeri Davenport
Program Services Director

JD/ji

THE
UNITED
WAY

230 Thomas
Fayetteville, Arkansas 72701

September 22, 1975

The Honorable Claiborne Pell
United States Senate
Washington, D.C.

Dear Senator Pell,

I am writing to you to express my opposition to the Tower bill, S2106, and to any other legislation which would limit the coverage of Title IX. As Women's Programs Advisor at the University of Arkansas, I witness daily the adverse affects on women students of institutional sex discrimination. If young women are to benefit from the highest quality education possible, equal opportunities in all areas of higher education, including intercollegiate athletics, must be provided. The current vast disparity between the funding, coaching, and general treatment of the men's and the women's programs makes a mockery of the ideal of fair play that college athletics were originally supposed to impart to its participants.

Sincerely,

Mary W. Cochran

Mary W. Cochran

STEPHEN F. AUSTIN STATE UNIVERSITY
NACOGDOCHES TEXAS 75961

September 22, 1975

Division of
Health and Physical Education for Women

RECEIVED
SEP 26 1975

Dear Senator Williams;

This letter is written in support of Title IX and opposition to Senate Bill 2106 introduced by Senator Tower and House Bill 8395 introduced by Representative James O'Hara.

As a physical education teacher (and sometimes coach) of 41 years experience, I can personally testify to the lack of equality for girls and women in physical education and competitive athletic programs.

Although Title IX regulation just went into effect on July 21, 1975, this is the beginning of attempts to whittle down efforts to end sex discrimination.

Please lend your support to Title IX as it now exists.

Sincerely yours,

Lucille Norton

Lucille Norton
Professor of Health
and Physical Education

SENATOR
WILLIAMS N.J.
SEP 26 4 00 PM '75

**HIGHER
EDUCATION
RESOURCE
SERVICES**

NEW ENGLAND

BROWN UNIVERSITY
Box 1901
Providence, R. I. 02912
(401) 863-2197

September 22, 1975

The Honorable Claiborne Pell
The United States Senate
Washington, District of Columbia

Dear Clai,

The enclosed somewhat fuzzy account of the hearings you are conducting on Title IX amendments is the only information I have been able to locate, and I wonder if you would be kind enough to send us the text of any proposed amendments.

Even without a text in hand, though, there are some comments I would like to make. The whole Title IX issue has been completely distorted by the NCAA campaign over athletic matters. This has emphasized sports far beyond their importance in all but a handful of the over 2500 institutions covered by the regulations; the important point is to insure sex equality in education, and education is the primary purpose of all of these institutions including the ones which stress revenue-producing sports so heavily. The endless debates over football and basketball are being used as a smokescreen by institutions which seem unable to define their educational purposes clearly - surely making money on sports is not their fundamental mission.

The fact is that unless all institutions are required to work toward equal expenditures for men's and women's sports, women are being discriminated against because both their tuition and whatever public funds the institutions receive are being allocated unequally and benefiting male students more than female ones in general, and male athletes specifically. It would clearly be unrealistic and unworkable to try to abolish this inequality overnight; currently the ratio of athletic expenditures for women and men is about 1:50, I believe, and a gradual phased program over a number of years (perhaps 5-7) would probably be acceptable to most women.

The real emphasis in the athletic discussions (since that subject is inevitably a part of Title IX) should, in my judgement, be placed on equality of opportunity and therefore on equal expenditures for boys and girls in athletic programs starting in kindergarten and continuing through high school. It is during these years that male athletes are made and female ones discouraged by inequalities in facilities, coaching, and personal satisfaction such as that gained from public recognition of their efforts, treatment by the news media, etc. The population affected here is not only the children who are in school, but their parents who are taxpayers and who are taxed equally, whether their sons profit or their daughters lose.

Again, let me stress that I and many others feel that athletic issues are receiving undue attention in the implementation of Title IX and that the emphasis should be on equal access to educational opportunity for both boys and girls. Since revenue-producing sports do have to be dealth with, a phased program would, I think, fill the needs of women as they develop, following strict enforcement of equal opportunity in primary and secondary education.

We hope you and Nuala will be with us for the October Corporation meeting.

With best regards to you both,

Lilli

Dr. Lilli Hornig
Executive Director

WOMEN'S INTERCOLLEGIATE ATHLETICS
STEPHEN F. AUSTIN STATE UNIVERSITY
Nacogdoches, Texas 75961

SUE GUNTER
Athletic Director
Head Coach: Basketball & Tennis

SADIE ALLISON
Head Coach: Softball & Badminton

CAROLYN BARNETT
Head Coach: Track & Volleyball

Telephone: 569-3604
Area Code 713

September 22, 1975

Dear Senator Pell,

This letter is written in support of Title IX and opposition to Senate Bill 2106 introduced by Senator Tower and House Bill 8395 introduced by Representative James O'Hara.

As a physical education teacher, coach, and women's athletic director, I have lived with and continue to live with the lack of equality for girls and women in physical education and competitive athletic programs.

Although Title IX regulation just went into effect on July 21, 1975, this is the beginning of attempts to whittle down efforts to end sex discrimination.

Please lend your support to Title IX as it now exists.

Sincerely yours,

Sue Gunter

Sue Gunter
Associate Athletic Director

LADYJACKS

STEPHEN F. AUSTIN STATE UNIVERSITY
NACOGDOCHES, TEXAS 75961

September 22, 1975

Division of
Health and Physical Education for Women

Dear Senator Pell;

This letter is written in support of Title IX and opposition to Senate Bill 2106 introduced by Senator Tower and House Bill 8395 introduced by Representative James O'Hara.

As a physical education teacher (and sometimes coach) of 41 years experience, I can personally testify to the lack of equality for girls and women in physical education and competitive athletic programs.

Although Title IX regulation just went into effect on July 21, 1975, this is the beginning of attempts to whittle down efforts to end sex discrimination.

Please lend your support to Title IX as it now exists.

Sincerely yours,
Lucille Norton

Lucille Norton
Professor of Health
and Physical Education

SIU

Southern Illinois
University at Carbondale
Carbondale, Illinois 62901

Women's Intercollegiate Athletics

September 23, 1975

Senator Claiborne Pell
US Senate Office Building
Washington, DC 20510

Dear Senator Pell:

As both the Director of Women's Intercollegiate Athletics and Professor of Physical Education at Southern Illinois University, I am vitally concerned about legislation regarding women's sports. I hope that you will vigorously oppose the Tower Bill and any others which attempt to exempt "revenue-producing" sports from Title IX regulations.

It is important that the O'Hara Bill be divided as the bill encompasses two distinctly different issues. I very much support the exemption of physical education from the requirements of integrated classes after elementary school. In junior and senior high school, some coed classes and some sex-integrated classes would provide the best educational opportunities for boys and girls. The portion of the O'Hara Bill which exempts the "revenue-producing" sports should be defeated.

I would appreciate being apprised of your position on this issue.

Sincerely,

Charlotte West

Charlotte West, Director

CW:dm

cc: Arvonne Fraser
Helene Guttman
Laurie Mabry

SIU

Southern Illinois
University at Carbondale
Carbondale, Illinois 62901

Department of Physical Education for Women

September 23, 1975

Senator Claiborne Pell
U. S. Senate Office Building
Washington, D. C. 20510

Dear Senator Pell:

I should like to react to a matter of interpretation in Title IX. I have recently learned that the current interpretation is that separate departments for men's and women's physical education may not exist. I believe that the schools should be allowed to secure their administrative units in order to guarantee equal opportunity, but that HEW should not legislate how a program should be administered. It is my professional judgment, after 22 years of teaching physical education, that the current interpretation is improper.

Sincerely,

JoAnne Thorpe

JoAnne Thorpe
Chairperson and Professor

JT:mb

SIU

Southern Illinois
University at Carbondale
Carbondale, Illinois 62901

Department of Physical Education for Women

September 23, 1975

TO: Senator Claiborne Pell

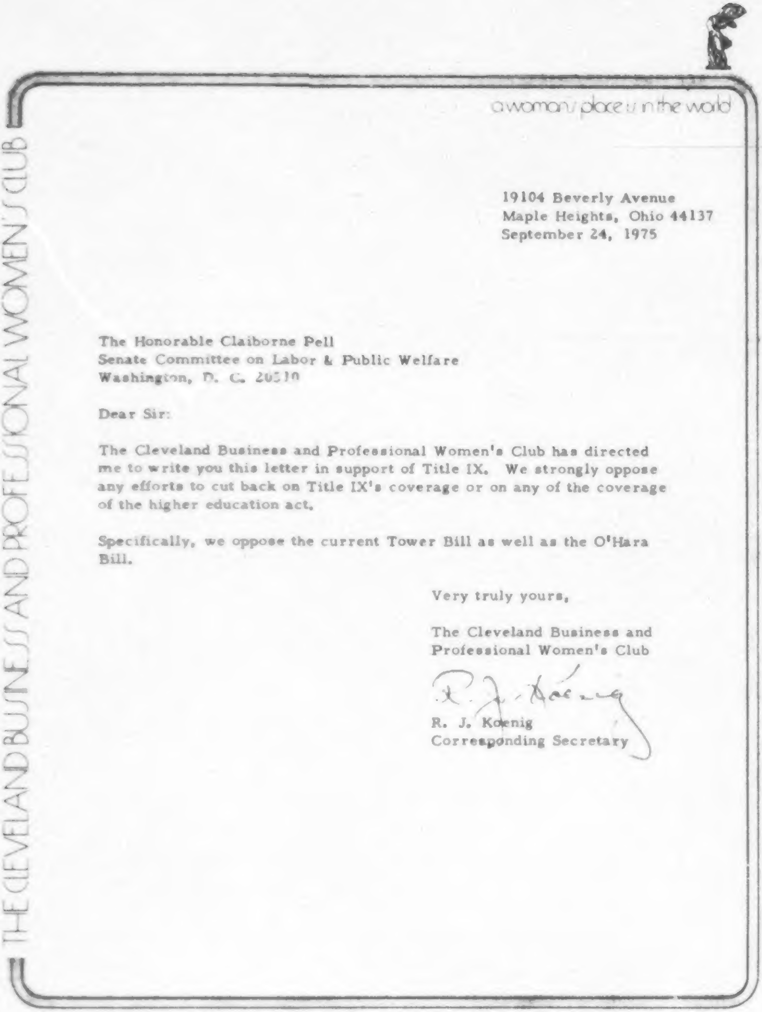
FROM: JoAnne Thorpe JoAnne Thorpe
Professor and Chairperson

RE: Addendum to Earlier Letter

I realized, after sending my letter of September 19 to you, that I had failed to clarify that I opposed the portion of the O'Hara Amendment which resembles the Tower Amendment but favored that portion of his amendment which endorses the possibility for separate classes of physical education for males and females in the upper grades and separate but equal sport opportunities for men and women in athletics.

Otherwise the original letter is accurate in the position which I hope you will take.

JT:mb



THE CLEVELAND BUSINESS AND PROFESSIONAL WOMEN'S CLUB

a woman's place is in the world

19104 Beverly Avenue
Maple Heights, Ohio 44137

September 24, 1975

The Honorable Claiborne Pell
Senate Committee on Labor & Public Welfare
Washington, D. C. 20510

Dear Sir:

The Cleveland Business and Professional Women's Club has directed me to write you this letter in support of Title IX. We strongly oppose any efforts to cut back on Title IX's coverage or on any of the coverage of the higher education act.

Specifically, we oppose the current Tower Bill as well as the O'Hara Bill.

Very truly yours,

The Cleveland Business and
Professional Women's Club

R. J. Koenig

R. J. Koenig
Corresponding Secretary

Sept. 25, 1975

Dear Senator Pell,

I am writing this letter to try to persuade you to help defeat the Tower's Amendment. This amendment will defeat much of both men's and women's sports by allowing sex discrimination and by possibly hurting men's minor sports. (ie - track, golf, tennis, etc.) Also, the charges that Title IX will destroy men's sports are unfounded.

Please help further sports education by voting "NO" to the passage of the Tower's Amendment.

Thank you very much!

A future P.E. instructor
and coach,
Josephine Ward
Westmar College
Le Mars, Iowa 51031

UPPER IOWA UNIVERSITY
FAYETTE, IOWA 52142 PH. 319 - 425-3311

September 25, 1975

Senator Claiborne Pell
Senator on Labor and Public Welfare
Washington, D.C. 20510

Dear Senator Pell:

I am writing this letter regarding the amendments being proposed for Title IX.

In the last number of years, the women's intercollegiate teams have been making great progress. I would hate to see this progress stopped or put at a standstill because of the amendments being proposed.

I am Coordinator of Women's Athletics at Upper Iowa University, Fayette, Iowa. Upper Iowa is a very small liberal arts college (600 students) located in northeast Iowa. I have been at Upper Iowa since 1966, directing the women's programs. I have offered a program of competitive sports for women since I have been here. During the first five years the competition was more on a Sportsday setting. The last four years we have participated in volleyball, basketball, softball and tennis. In order to carry out the program the women were willing to pay for their own travel, meals, and uniforms. I helped by buying equipment, supplies, first aid supplies, use of my car, and providing some of the meals for the girls.

I shall go back a few years to show the inequalities that have occurred in the Women's program here at Upper Iowa.

Budget

I. We had a budget listing under Extramural that consisted of $480.00. In 1973-74 our budget was $480.00, in 1974-75 our budget was $800.00, and in 1975-76 our budget is $1800.00 The men's budget for 1975-76 is $26,681.00.

Coaches

I. We have one woman coach for all the sports plus student help.
The men have one head coach and four assistants for football, one head coach and two assistants for basketball, one head coach and two assistants for baseball, one head coach for wrestling, golf, and tennis each.

Many of these help coach in two sports, but there are three men in the department that are head coaches. This inequality has always existed since I have been here. I have been the only woman on the staff, with the exception of one year. But, that woman did not want anything to do with coaching

Uniforms

The women's uniforms are on order. They have been donated for 1975. In 1973-74 the women wore a shirt uniform top (donated by a parent). These were stolen so the college did buy the women shirts. The women provide their own shorts, socks and shoes.
The men's uniforms are provided by the college. Even some of their practice shirts and shorts are provided by the college.

Athletic Director

I have acted in the capacity of athletic director doing all the scheduling, taking care of transportation, officials, budgeting and uniforms.
The men have an athletic director and an assistant. These men are paid for this position. I receive no pay (extra) for doing all involved with this job; I am considered as Coordinator of Women's Sports.

Scheduling

I have to do the scheduling for all of the sports for women. I also have to wait until all of the men's sports are scheduled before I may schedule any of the women's sports. Up until this year, we had to wait to practice volleyball after supper because the boys were playing basketball. As soon as the basketball team is allowed to practice, we will have to move our practice time--not them. Each one of the men who are coaching the different sports do the scheduling for each sport.

Equipment and Laundry

I have to make sure that the equipment for each sport is ordered. The women do their own washing of uniforms. I usually have a student helping me with this.
The men have have full time personnel taking care of it for them. This person is also the Athletic Trainer for the men.

Athletic Trainer

The men have a full time person. Unitl this year I have had to do it or one of the women on the team has had to do it. This year I have a student who will be doing it for me.

I am sure after reading this letter you wonder why I have stayed here so long. I guess the reason would be that I have progressed in my "fight" for women's sports at Upper Iowa and I want to see it through. If you don't think I haven't had to fight to get a little here and there for the women, I think it would be a good idea to re-read this letter.

I am not the type of woman who wants to take anything away from the men's sports. I just want to see the women have better opportunities to compete. These opportunities do not mean equal budgets, but it sure does mean a decent uniform, meals, and equipment for the women to compete.

Thank you for your time and cooperation.

Sincerely,
Marge Kramer
Marge Kramer
Coordinator of Women's Athletics
Upper Iowa University

MK:lj

IOWA ASSOCIATION FOR INTERCOLLEGIATE ATHLETICS FOR WOMEN

September 26, 1975

Senator Clairborne Pell
325 RSOB
Washington, D.C.

Dear Senator:

The delegate assembly of the Iowa Association for Intercollegiate Athletics for Women wishes to express its great concern over the possible implications of the Tower Amendment to Title IX. It is the feeling of this assembly that revenue producing sports are already protected by the exemptions provided for contact sports. The fear that revenue producing sports would be destroyed has in no way been substantiated.

Further exemption for these sports would serve only to place additional hardship on other men's sports and on all women's sports.

In our opinion this amendment is not within the spirit of the statute and would allow sex discrimination to continue in this area of education. We, therefore, strongly recommend that the Tower Amendment be defeated.

Sincerely,

Sandra H

Sandra Hoth
President, IAIAW
Grinnell College
Grinnell, Iowa 50112

WESTMAR COLLEGE LE MARS, IOWA 51031

September 26, 1975

Senator Pell
325 RSOB
Washington, D.C.

Dear Sir:

I am writing to urge the defeat of the Tower Amendment in regard to Title IX. I feel that the charges that Title IX will destroy men's sports are unfounded, that the Tower Amendment allows sex discrimination in sports, and that the Amendment, if passes, will hurt men's minor sports.

Again, I urge the defeat of the Tower Amendment.

Thank you for your consideration.

Sincerely,

Wanda Chittenden

Wanda Chittenden, Chm.
Physical Education Department

790 Capri Circle
Boothwyn, Pa.
19061

Sept. 26, 1975

Senator Pell:

I am strongly opposed to the various legislation that is being proposed to limit/amend Title IX of the Education Amendments Act especially Sen. Tower's proposed S. 2106 (6).

I feel the term "required" will perpetuate the inequalities of the system — what is required/necessary in the eyes of a coach of a football team — Charter aircraft to get players from one game to another. The best and most expensive technology/equipment to play the game? Who decides? Male coaches/male deans who feel a need to attract "jocks" to gain alumni donations to have the best team? Please stop this madness!

B. K. Hamilton

Sept. 27, 1975

Senator Pell
325 RSOB
Washington, D.C.

Dear Sir: I am writing as a concerned voter + citizen. I am asking that you vote against the Tower Amendment. My reasons are that first, charges that Title IX will destroy men's sports is unfounded. Second, the Tower amendment allows sex discrimination in sports and third - the Tower amendment may hurt men's minor sports.

Sincerely,
Becky Hemmers

September 27, 1975

Dear Sir:

I feel the charges that Title IX will destroy men's sports are unfounded. The Tower Amendment allows sex discrimination in sport The Tower Amendment may hurt men's minor sports.

Sincerely,
Julie Klimm

Elaine Dallman
1202 West Schwartz
Carbondale, IL 62901

September 29, 1975

Senator Claiborne Pell
Senate Committee on Labor & Public Welfare
Washington, DC 20510

Dear Senator Pell:

I oppose the Tower bill and any other bills which would cut back on Title IX coverage.

I hope you will work to prevent any weakening of Title IX.

Sincerely,

Elaine Dallman

Graceland
College

Sept. 30, 1975

Clairborne Pell
325 RSOB
Washington, D.C.

Dear Senator:

I wish to express my grave concern over the possible implications of the Tower Amendment to Title IX. Revenue producing sports are already protected by the exemptions provided for contact sports. The fear that revenue producing sports would be destroyed has in no way been substantuated.

Puther exemption for these sports would serve only to place additional hardship on other men's sports and on all women's sports.

In my opinion this amendment is not within the spirt of the statute and would allow sex descrimenation to continue in this area of education. I, therefore, strongly recommend that the Tower Amendment be defeated.

Sincerely,

Betty Welch

Betty Welch
Coordinator of Women's
Intercollegiate Athletics

Sept. 30, 1975

Senator Clairborne Pell
Senate Committee on Labor and Public Welfare
Washington, DC 20510

Dear Sir:

I am opposed to the Tower Bill because of the possible ramification to the current progress of girls and womens sports. I have tried for several years to have intercollegiate atheltics for women and finally was "permitted" to compete on a club basis. The women had to provide their uniforms and meals. I was paid as a club sponser, about 1/3 of the male coaches saleries.

Only after title 5 was my program accepted as intercollegiate athletics for women.

There are still some ineqiusitions between the two programs. However, every year progress is being made.

Thank you for considering my request.

Sincerley yours,

Joan Payne

Joan M. Payne
Introduction to Physical Education
Joliet Junior College

1205 West Frey St.
Stephenville, Tx. 76401
October 1, 1975

Senator Claiborn Pell
U. S. Senate
Washington, D. C.

Dear Senator Pell:

We, the Education Caucus of the Texas Women's Political Caucus, express our disapproval of Senator Tower's amendment exempting revenue-producing sports from Title IX of the Education Act of 1972.

Sincerely,
Helen Martin pz
Helen Martin
Virginia Curry pz
Virginia Curry
Co-chairpersons,
Education Caucus
T.W.P.C.

HMM:pz
cc:
Senator Birch Bayh
Senator John Tower
Ms. Martha Smiley, Chairperson, TWPC

Students' Association

GINGER HANSEL, President
LAURIE E. BRYAN, Vice President

University of Houston
Cullen Boulevard
HOUSTON, TEXAS 77004
748-1080
748-1380

October 1, 1975

The Honorable Senator Claiborne Pell
325 Russell Senate Office Building
Washington, D.C. 20515

Senator Pell,

In behalf of the student body at the University of Houston, we would like to express grave concern over the implications of the Tower Bill (S.2106) to exempt intercollegiate athletics from sex discrimination provisions of Title IX of the Education Amendments Act of 1972. As a member of the National Students' Association, we strongly support the testimony you have heard given by the N.S.A. President, Ms. Clarissa Gilbert, and that of other groups opposed to the Tower Bill. We do not wish to belabor you with detailed arguments which have already been well-documented, but let us take this opportunity to highlight our opposition to this piece of special interest legislation.

Undoubtedly you as Senators have recognized that the S.2106 itself is a vague, poorly written bill, which leaves itself open to abuse and misinterpretation. None of the terms in this legislation are defined.

This bill would only perpetuate the inequities now found in collegiate athletic programs. It has been proven that women's sports, when properly funded and promoted, can generate funds. Witness, for instance, the popularity of women's tennis. The issue at hand is not the ability of college football to exist, but rather one of the willingness and fortitude of collegiate athletic programs to uphold the recognized law of the land; equality of the sexes.

Without S.2106, intercollegiate athletics will not cease to exist. College football will not fold. Perhaps in this period of inflation, Title IX will force big-time athletic bureaucracies to cut down on their 15-member coaching staffs, but intercollegiate athletics itself will not die.

When facing reality, you certainly realise that S.2106 is merely a blatant piece of special legislation designed to serve the athletic programs of only a small percentage of universities which are involved in big time sports.

Collegiate athletic programs should and must be made to serve the students. The University of Houston administration recently surveyed faculty, students, administrators, and alumni regarding perceptions of existing and desired university goals. As the enclosed graph will show you, this board-based survey reveals that excellence in intercollegiate athletics is the only area which is perceived to be overemphasized at the University of Houston. People are simply tired of paying ten assistant football coaches more than many associate professors are paid.

We oppose S.2106 for these reasons: The bill is vague and could easily be abused; the bill runs contrary to the recognized law of the land regarding sexual discrimination; the bill is not necessary to save intercollegiate athletics, but rather is designed to save weighty athletic bureaucracies which are not desired by students, faculty, and many administrators and alumni. These athletic bureaucracies refusal to fund and to promote women's athletics demonstrates their total disregard for the law of the land and their total self-interest. Such self-interest should not be rewarded by the passage of S.2106.

Sincerely,

Ginger Hensel
Students' Association President

Ed Martin

Ed Martin
Director of State Affairs

GH/EM/lb
Enclosure

EXHIBIT 12

MISCELLANEOUS GOAL STATEMENT "IS" AND "SHOULD BE" MEANS

MISCELLANEOUS GOAL STATEMENTS

TO MAINTAIN OR WORK FOR A REPUTABLE STANDING FOR THE INSTITUTION WITHIN THE ACADEMIC WORLD.

TO ENSURE THAT STUDENTS WHO GRADUATE ACHIEVE SOME LEVEL OF READING WRITING MATH COMPETENCY.

TO BE ORGANIZED FOR SHORT, MEDIUM, AND LONG-RANGE PLANNING FOR THE TOTAL INSTITUTION.

TO CREATE A CLIMATE IN WHICH SYSTEMATIC EVALUATION OF PROGRAMS IS ACCEPTED AS INSTITUTIONAL WAY OF LIFE.

TO CARRY ON BROAD AND VIGOROUS PROGRAM OF EXTRA-CURRICULAR ACTIVITIES AND EVENTS FOR STUDENTS.

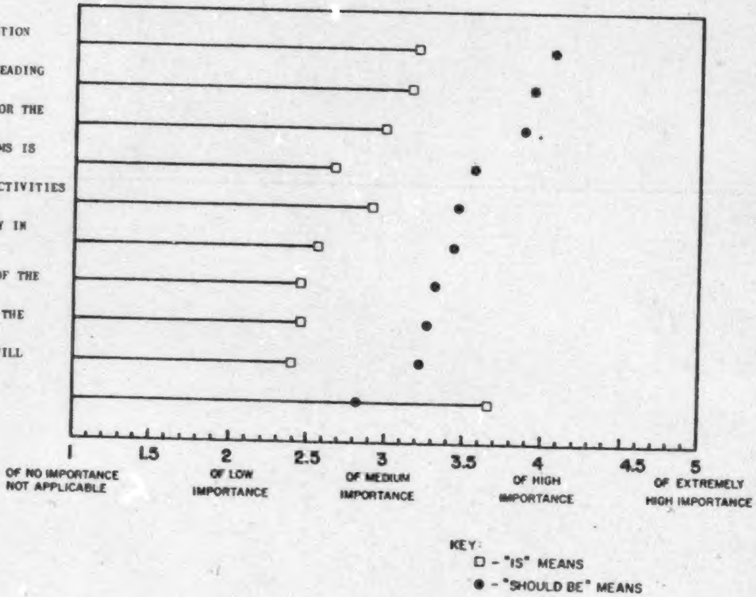
TO WORK FOR MAINTAIN A LARGE DEGREE OF INSTITUTIONAL AUTONOMY IN RELATION TO GOVERNMENT EDUCATION AGENCIES.

TO ACHIEVE CONSENSUS AMONG PEOPLE ON CAMPUS ABOUT THE GOALS OF THE INSTITUTION.

TO SYSTEMATICALLY INTERPRET THE NATURE, PURPOSE, AND WORK OF THE INSTITUTION TO CITIZENS OFF CAMPUS.

TO INCLUDE LOCAL CITIZENS IN PLANNING COLLEGE PROGRAMS THAT WILL AFFECT THE LOCAL COMMUNITY.

TO EXCEL IN INTERCOLLEGIATE ATHLETIC COMPETITION.



MUSKINGUM COLLEGE NEW CONCORD, OHIO 43762 • PHONE (614) 826-8211

October 2, 1975

Senator Claiborne Pell
United States Senate
Washington, D. C. 20510

Dear Senator Pell:

This is a note to encourage you to vote favorably for Senate Bill 2106 which is Senator Tower's Amendment.

Let me first say there must be serious doubt whether Title IX has any authority to regulate intercollegiate athletics on any campus, but certainly the government should have no authority to regulate intercollegiate athletics on campuses of small private institutions. You should be aware that the intrusion of Federal government into this facet of college life not only effects the programs of the large institutions, but definitely effects the programs of the small colleges. It hits us where it hurts the most, that being in enrollment. Many of our men students today are recruited by the athletic department(approximately 200 at Muskingum). If we must share what small income we have from football that will be the end of football and could seriously effect our enrollment. Here at Muskingum our of some 550 men 100 of them are participating in football and I am sure would not be here if it were not for this program. Let me be quick to say we do not offer athletic scholarships, that all aid is based on need, and athletes are treated like any other student. Should we lose our football program these young men will attend state universities where the tuitions are lower and our enrollment will be decreased to the extent that even our survival would be in jeopardy.

I have been connected with intercollegiate athletics since 1943 and to include revenue producing sports in regard to Title IX without Senator Tower's amendment has got to be the worst piece of legislation ever passed. The large universities usually get all the publicity about the effects but let me assure you the small private colleges would be effected just as seriously. I strongly urge you to use good judgment and vote favorably for Senate Bill 2106. I also hope that this point of view will not stop at the level of your staff and that you will give it your own personal consideration.

Sincerely yours,

Ed Sherman

Ed Sherman
Director of Athletics

ES/bm

MGMMSHT HSB
2-025705E280 10/07/75
ICS IPMBNGZ CSP
6123732434 MGM TDBN MINNEAPOLIS MN 100 10-07 0206P EST
ZIP

western union Mailgram

SENATOR PELL
SENATE OFFICE BLDG
WASHINGTON DC 20510

DEAR SENATOR PELL,

WE WISH TO THANK YOU FOR ALLOWING TESTIMONY RECENTLY FROM US IN OPPOSITION TO THE TOWER AMENDMENT TO THE TITLE IX REGULATIONS. STUDENTS AT THE UNIVERSITY OF MINNESOTA HAVE CONSISTENTLY SUPPORTED STRONG TITLE IX REGULATIONS ENSURING EQUAL ACCESS AND OPPORTUNITIES FOR WOMEN ATHLETES AT THE UNIVERSITY. WE URGE THAT YOU ACTIVELY OPPOSE THE TOWER AMENDMENT.

RICK MARSDEN
AS SPEAKER OF THE TWIN CITIES STUDENT ASSEMBLY
305 AERONAUTICAL ENGINEERING
UNIVERSITY OF MINNESOTA
MINNEAPOLIS MN 55455

1406 EST

MGMMSHT HSB

S
W
S

Sociologists for Women
in Society

October 9, 1975

Senator Claiborne Pell
Senate Office Building
Senate Committee on Labor and Public Welfare
Washington, D.C. 20510

Dear Senator Pell:

We wish to express strong opposition to bills such as the Tower bill which could cut back on Title IX coverage. Our experience with Affirmative Action in university settings has convinced us of the necessity of strong regulations which will indicate without equivocation to university administrators that they must obey the law of the land and end discrimination against women and other minorities.

We would be happy to hear from you about the decisions that you make concerning Affirmative Action and the reasons upon which these decisions are based.

Sincerely,

Lynda Lytle Holmstrom

Lynda Lytle Holmstrom, Ph.D.
Chairperson, SWS Social Issues
Committee

LLH:lcp

October 10, 1975

Sen. Claiborne Pell
U. S. Senate
Washington, D. C. 20510

Dear Sen. Pell:

This letter is written in support of Title IX and opposition to Senate Bill 2106 introduced by Senator Tower and House Bill 8395 introduced by Representative James O'Hara.

As a physical education teacher, coach, and women's athletic director, I have lived with and continue to live with the lack of equality for girls and women in physical education and competitive athletic programs.

Although Title IX regulation just went into effect on July 21, 1975, this is the beginning of attempts to whittle down efforts to end sex discrimination.

Please lend your support to Title IX as it now exists.

Sincerely yours,

Allene Stovall

Allene Stovall
Women's Athletic Director
West Texas State University

October 10, 1975

Sen. Claiborne Pell
U. S. Senate
Washington, D. C. 20510

Dear Sen. Pell:

This letter is written in support of Title IX and opposition to Senate Bill 2106 introduced by Senator Tower and House Bill 8395 introduced by Representative James O'Hara.

As a physical education teacher and coach, I have lived with and continue to live with the lack of equality for girls and women in physical education and competitive athletic programs.

Although Title IX regulation just went into effect on July 21, 1975, this is the beginning of attempts to whittle down efforts to end sex discrimination.

Please lend your support to Title IX as it now exists.

Sincerely yours,

Mary Hill

Mary Hill
Women's Coach
West Texas State University

October 10, 1975

Sen. Claiborne Pell
U. S. Senate
Washington, D. C. 20510

Dear Sen. Pell:

This letter is written in support of Title IX and opposition to Senate Bill 2106 introduced by Senator Tower and House Bill 8395 introduced by Representative James O'Hara.

As a physical education teacher and coach, I have lived with and continue to live with the lack of equality for girls and women in physical education and competitive athletic programs.

Although Title IX regulation just went into effect on July 21, 1975, this is the beginning of attempts to whittle down efforts to end sex discrimination.

Please lend your support to Title IX as it now exists.

Sincerely yours,

Dr. Suzanne Blair

Dr. Suzanne Blair
Women's Coach
West Texas State University

WEAL

WOMEN'S
EQUITY
ACTION
LEAGUE

National Advisory Board

Marian Ash
Sen. Birch Bayh
Dr. Daryl J. Bem
Dr. Sandra L. Bem
Caroline Bird
Dr. Elizabeth Boyer
Marjorie M. Childs
Cong. Shirley Chisholm
Christine Y. Conaway
Grace D. Cox
Dr. Eleanor Dolan
Dr. Nancy E. Dowding
Daisy B. Fields
Dr. Laurine Fitzgerald
Dorothy Fuldheim
Vera Glaser
Cong. Edith Green
Cong. Martha W. Griffiths
Ruth Church Gupta
Dorothy Haener
Dorothy Hamlet
Judge Marion J. Harron
Judge Olive L. Holmes
Dr. Hazel B. Kerper
Judge Blanche Krupansky
Emily L. Leedy
Maxine G. Levin
Olga Madar
Grace A. Martin
Dr. Elizabeth B. Miller
Lisabeth Moody
Dr. Pauli Murray
Peggi Palmer
Marguerite Rawalt
Helen J. Roig
Betty Royon
Dr. Bernice Sandler
Dr. Ann Scott
Dr. Virginia S. Sexton
Lillian Stewart
Frances P. Taft
Carolyn E. Tennon
Mary Lou Thompson
Dr. Bettina Weary

Address Reply to:

328 Chez Paree Drive
Hazelwood, Mo. 63042
October 11, 1975

Senator Claiborne Pell
Senate Committee on Labor and Public Welfare
Washington, D. C. 20510

Dear Senator Pell:

It has been brought to my attention that Senator Tower of Texas has introduced a bill to limit Title IX by exempting revenue produced by intercollegiate sports which is necessary to support that activity. Missouri WEAL is opposed to the Tower bill and any other bills which would cut back on Title IX of the Higher Education Act.

Would you please include my letter in the formal record of the hearings on the Tower bill.

Sincerely,

Nancy Ashhurst

Nancy Ashhurst, President
Missouri WEAL

Mrs. Standish C. Hartman Jr.
131 Shade St. Lexington, Massachusetts 02173

Oct 12, 1975

Dear Senator Pell,

I wanted to let you know that I am opposed to the Tower Bill S2106 or any other bill which proposes to cut Title IX's coverage.

Very Truly yours,
SS Hartman

125 Hillcrest Avenue
State College, Pennsylvania 16801
October 13, 1975

Senator Claiborne Pell
Senate Committee on Labor and Public Welfare
Washington, DC 20510

Dear Senator Pell:

As a woman who attended school in the fifties, I have a physical education background of practically zero. While the girls and many of the boys did a bit of square dancing or running ocassionally, an enormous amount of time and money and effort went to support a few boys and a football team. It is very clear now that the team was mostly for the parents benefit anyhow.

I feel very strongly that physical education should be important in every persons life, and that the habits and ability to remain fit be developed young. I feel that the opportunity to participate in various athletic events not be confined to a few persons or to a few sports.

As much as I was pleased to see Title 1X come into effect, I am displeased to see the proposed Tower Ammendment. This ammendment would simply allow a way for descrimination to continue not only against women's sports but against the less prestigous men's sports as well. I feel that if this sort of thing is allowed to continue we will become a nation of unfit sitting in the bleachers watching a few superfit.

I am opposed to the Tower Ammendment.

Sincerely,

Andrea Mastro

(Dr.) Andrea M Mastro

SOCIOLOGISTS FOR WOMEN IN SOCIETY

S
W
S

October 21,1975

Honorable Claiborne Pell
Senate Office Bldg.
Senate Committee on Labor & Public Welfare
Washington, D.C. 20510

Dear Senator Pell:

We wish to express strong opposition to bills such as the Tower bill which could cut back on Title IX coverage. Our experience with Affirmative Action in university settings has convinced us of the necessity of strong regulations which will indicate without equivocation to university administrators that they must obey the law of the land and end discrimination against women and other minorities.

We would be happy to hear from you about the decisions that you make concerningAffirmative Action and the reasons upon which these decisions are based.

Sincerely,

Mona G Jacqueney

Mona G. Jacqueney
SWS SOCIAL ISSUES COMMITTEE

233 East Beech Street
Long Beach, New York 11561

RUTGERS UNIVERSITY *The State University of New Jersey*

OFFICE OF THE PRESIDENT
New Brunswick, New Jersey 08903

October 20, 1975

Dear Senator Pell:

Thank you for your letter of September 16 in reference to our opposition to the Tower Bill, S2106. Please accept our apologies for having apparently misinterpreted your hearing schedule and the opportunity for representation of institutional objections. What we identified as a possible problem with our representation by the NCAA apparently spills over to the educational lobbying organizations in which we have a membership.

I hope our comments are of some assistance to you in considering S2106. We appreciate the fact that you will include our statement in the record. Best wishes.

Sincerely,

Edward J. Bloustein
President

The Honorable Claiborne Pell
Committee on Labor and Public Welfare
United States Senate
325 Old Senate Office Building
Washington, D. C. 20501

cc: The Honorable Harrison A. Williams, Jr.

Sept. 10, 1975

Dear Senator Pell,

I am a woman athlete at the University of Texas in Austin and extend to you my objections to the Tower Amendment to Title IX. I feel it discriminates against my rights and degenerates my efforts as an athlete.

Sincerely,
Teresa Murphy
Tennis

9/11/75

Dear Senator Pell,

I am a woman athlete at the University of Texas at Austin. I oppose the Tower amendment to Title IX and consider it a threat to my rights.

Sincerely,
Rebecca Roberts

Dear Senator Pell,

I am a woman athlete at the University of Texas at Austin. I oppose the Tower Ammendment to Title IX and consider it a threat to my rights.

Sincerely,
Beckie Wright

Dear Senator Pell,

I participate in the Women's Intercollegiate Athletics Program at the University of Texas. I am opposed to the Tower Ammendment to Title IX. I consider it to be unfair and discriminatory.

Sincerely,
Judy Jacobsen

Dear Senator Pell:

I am a coach of the women's intercollegiate tennis team at The University of Texas at Austin. I oppose the Tower amendment to Title IX and consider it a threat to women's rights.

Sincerely,
Betty Sue Hagerman

Dear Senator Pell,

I am a woman athelete at The University of Texas and wish to extend to you my objections to the Tower Amendment to Title IX. I feel it discriminates against my rights and denegrates my efforts as an athlete.

Sincerely
Vickie Hatcher
tennis

Dear Senator:

Please vote "no" on the Tower Amendment to Title IX.

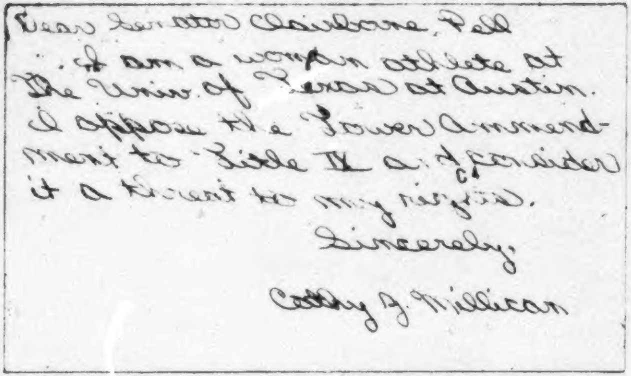
Thank you.

Sincerely,
Kathy Fiorillo
Kathy Fiorillo
W424, Jester Center
Austin, TX 78704

Dear Sir:

I oppose Senate Bill 2106, because it restricts Title 9 Guidelines.

Thank you.
Cathy Cates
University of Texas

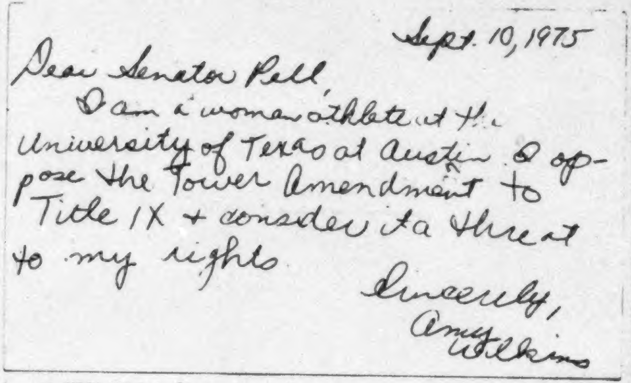


Dear Senator Claiborne Pell

I am a woman athlete at the Univ. of Texas at Austin. I oppose the Tower Amendment to Title IX and consider it a threat to my rights.

Sincerely,

Cathy J. Millican



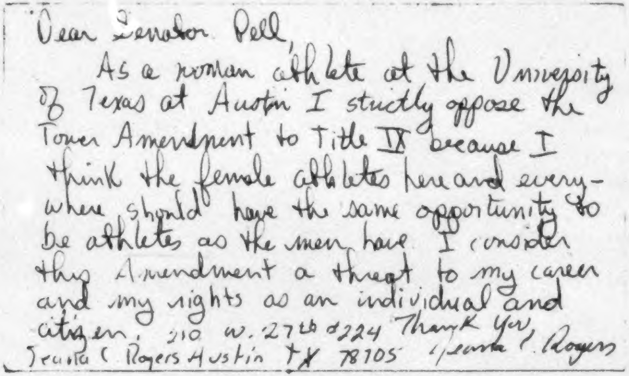
Sept. 10, 1975

Dear Senator Pell,

I am a woman athlete at the University of Texas at Austin. I oppose the Tower Amendment to Title IX + consider it a threat to my rights

Sincerely,

Amy Wilkins



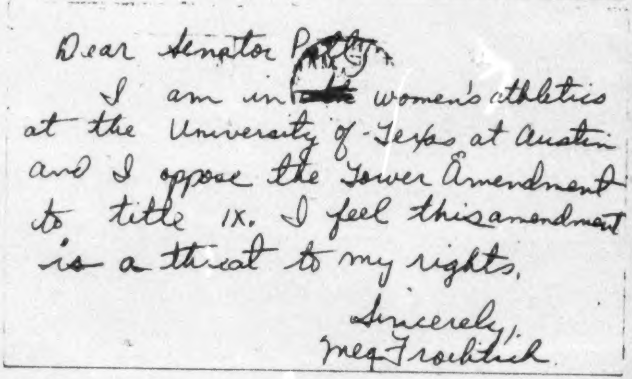
Dear Senator Pell,

As a woman athlete at the University of Texas at Austin I strictly oppose the Tower Amendment to Title IX because I think the female athletes here and everywhere should have the same opportunity to be athletes as the men have. I consider this Amendment a threat to my career and my rights as an individual and citizen.

Thank You,

Jeana C Rogers

210 W. 27th #224
Jeana C Rogers Austin TX 78705

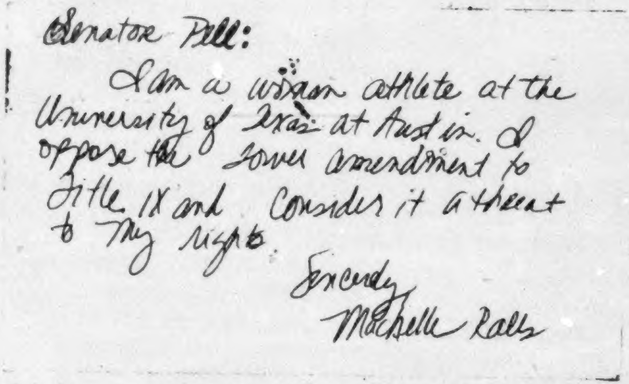


Dear Senator Pell,

I am in women's athletics at the University of Texas at Austin and I oppose the Tower Amendment to title IX. I feel this amendment is a threat to my rights.

Sincerely,

Meg Frochtlich

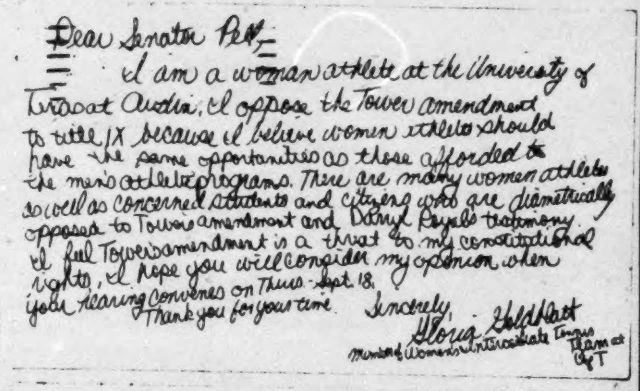


Senator Pell:

I am a woman athlete at the University of Texas at Austin. I oppose the Tower amendment to Title IX and consider it a threat to my rights.

Sincerely,

Michelle Ralls



Dear Senator Pell—

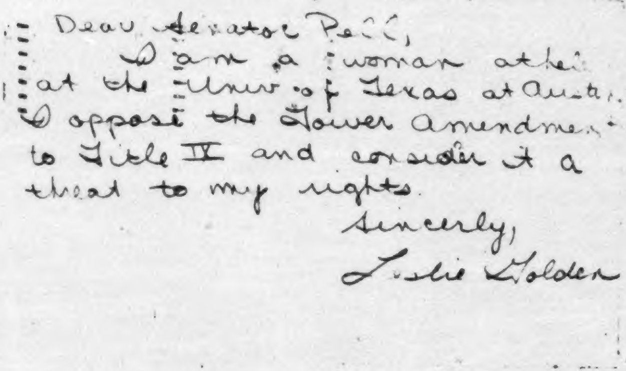
I am a woman athlete at the University of Texas at Austin. I oppose the Tower amendment to title IX because I believe women athletes should have the same opportunities as those afforded to the men's athletic programs. There are many women athletes as well as concerned students and citizens who are diametrically opposed to Tower's amendment and Darryl Royal's testimony. I feel Tower's amendment is a threat to my constitutional rights, I hope you will consider my opinion when your hearing convenes on Thurs. Sept. 18.

Thank you for your time.

Sincerely,

Gloria Goldblatt

member of Women's Intercollegiate Tennis Team at U of T

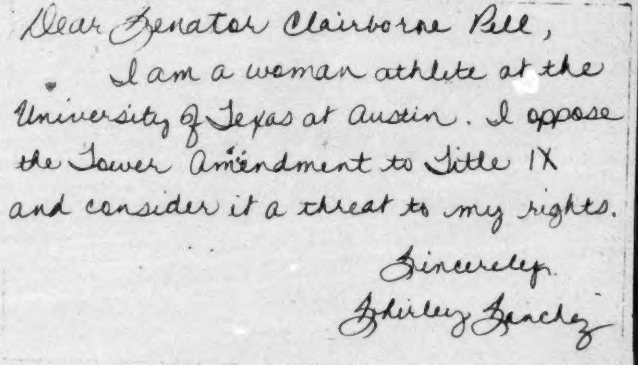


Dear Senator Pell,

I am a woman athlete at the Univ. of Texas at Austin. I oppose the Tower Amendment to Title IX and consider it a threat to my rights.

Sincerly,

Leslie Golden



Dear Senator Claiborne Pell,

I am a woman athlete at the University of Texas at Austin. I oppose the Tower Amendment to Title IX and consider it a threat to my rights.

Sincerely,

Shirley Sanchez

Dear Senator Nelson,

I am a woman athlete at the Univ of Texas at Austin. I oppose the Tower amendment to Title IX and consider it a threat to my rights.

Sincerely,

Leslie Holden

Dear Senator Pell,

I am a woman athlete at the University of Texas at Austin. I oppose the Tower Amendment to Title IX and I consider it a threat to my rights.

Sincerely

Mary Carroll

Dear Senator Pell,

I am a woman athlete at the University of Texas at Austin. I oppose the Tower Amendment of Title IX and consider it a threat to my rights.

Sincerely,

Cindy Morgan

Dear Senator Pell;

I am a women athlete at the university of Texas at Austin. I strongly oppose the Tower Ammendment to Title IX and consider it a threat to my rights,

Sincerely,

Debbie Reinbach

Dear Senator Pell,

I am a woman athlete at the University of Texas at Austin. I oppose the Tower admendment to Title IX and consider it a threat to my rights.

Sincerely,
Sharon Smith

Dear Sen. Claiborne Pell

I am a woman athlete at the University of Texas at Austin. I oppose the Tower admendment to Title IX and consider it a threat to my rights.

Sincerely
Teresa Matthews

Dear Senator Pell,

I am a woman athlete at the University of Texas at Austin. I oppose the Tower Ammendment to Title IX and consider it a threat to my rights.

Sincerely,
Joyce Reynolds

Dear Senator Pell,

I am a woman athlete at the University of Texas at Austin. I oppose the Tower amendment to Title IX and consider it a threat to my rights.

Sincerely
Janice Glick

Dear Senator Pell,

I am a woman athlete and concerned student at the University of Texas at Austin. I strongly oppose the Tower amendment to Title IX and consider it a threat to my rights.

Sincerely,

Nancy Chenoweth

Dear Senator Pell,

I am an academic student, a female, and an individual who feels strongly the need for competitive sports for women. The University of Texas is my last chance to attempt to excel at sports while also responding to my studies. It is important to me that I can enjoy competition at it's best, as an amateur and a student athlete. The Tower amendment takes away mine and my teammates chance. Please consider the individuals' consequences. Sincerely, Lynn Kirchen

---

Dear Senator Pell

I am a woman athlete and a concerned student at the University of Texas at Austin. I strongly oppose the Tower amendment to Title IX and consider it a threat to my rights.

Sincerely,

Brenda Bolin

Dear Senator Pell:

As a concerned citizen and a supporter of women's athletics at the University of Texas at Austin I wanted you to know my apposition to Sen. John Tower's admendment to Title IX which will be coming before your committee –

Sincerely –

Sue Ann Ray

Dear Senator Clairborne Pell,

I am a women athlete at the University of Texas at Austin. I oppose the Tower amendment to Title IX & consider it a threat to my rights.

Sincerely,
Raquel Cruz

AMERICAN BAR ASSOCIATION

SECRETARY
Herbert D. Sledd
300-306 W. Short Street
Lexington, KY 40507

1155 EAST 60TH ST., CHICAGO, ILLINOIS 60637 TELEPHONE (312) 947-4016

September 15, 1975

SEP 18 197

Honorable Jacob K. Javits
Committee on Labor and
Public Welfare
United States Senate
Washington, D. C. 20510

RE: Equal Educational
Opportunity - #131C

Dear Senator Javits:

At the meeting of the House of Delegates of the American Bar Association held August 11-13, 1975 the attached resolution was adopted upon recommendation of the Section of Individual Rights & Responsibilities.

This resolution is being transmitted for your information and whatever action you may deem appropriate.

Please do not hesitate to let us know if you need any further information or have any questions, or whether we can be of any assistance.

Sincerely yours,

Herbert D. Sledd

Herbert D. Sledd

HDS/jfr
Attachment

cc: Robert J. Kutak, Esquire

AMERICAN BAR ASSOCIATION - HOUSE OF DELEGATES

SECTION OF INDIVIDUAL RIGHTS & RESPONSIBILITIES

RESOLUTION 131C

August, 1975

BE IT RESOLVED, That the American Bar Association urges the prompt, vigorous, and effective implementation and enforcement of Title IX of the Education Amendments Act of 1972, which promotes equal educational opportunity without regard to sex, to the full extent of the powers granted in the statute.

BE IT FURTHER RESOLVED, That the President or his designee is authorized to present the substance of the foregoing resolution to appropriate committees of Congress and appropriate offices of the Executive Branch.

SEP 15 1975

September 12, 1975

Senator Carl Curtis
U.S. Senate
Washington, D.C. 20510

Dear Senator,

The University of Nebraska-Lincoln Woman's Athletic Department is definitely opposed to the Tower and O'Hara Bills.

We feel that any bill designed to weaken Title IX will be a detriment to the advancement of equal educational opportunity. Women's Intercollegiate Athletics, as well as many other areas in education need Federal support in order to move closer to our country's goals of non-discrimination and equality.

If the Tower and O'Hara Bills are passed, needed support would be taken away from Women's Athletics, therefore resulting in a definite setback of women in sport.

Please include this letter in the formal record of the hearings on the Tower Bill, and on any other bill which would cut back on Title IX coverage.

Sincerely,

Aleen Swofford

Aleen Swofford
Women's Athletic Director
University of Nebr.-Lincoln
Lincoln, Nebr.

cc: Senator Claiborne Pell
Senator Tower
Representative James O'Hara
Senator Carl Curtis
Senator Roman Hruska
Representative Charles Thone

WOMEN'S INTERCOLLEGIATE ATHLETICS
SOUTH STADIUM • UNIVERSITY OF NEBRASKA
LINCOLN, NEBRASKA 68501 • PHONE 402-472-3865

HARRISON A. WILLIAMS, JR., N.J., CHAIRMAN

JENNINGS RANDOLPH, W. VA.
CLAIBORNE PELL, R.I.
EDWARD M. KENNEDY, MASS.
GAYLORD NELSON, WIS.
WALTER F. MONDALE, MINN.
THOMAS F. EAGLETON, MO.
ALAN CRANSTON, CALIF.
WILLIAM D. HATHAWAY, MAINE

JACOB K. JAVITS, N.Y.
RICHARD S. SCHWEIKER, PA.
ROBERT TAFT, JR., OHIO
J. GLENN BEALL, JR., MD.
ROBERT T. STAFFORD, VT.
PAUL LAXALT, NEV.

DONALD ELISBURG, GENERAL COUNSEL
MARJORIE M. WHITTAKER, CHIEF CLERK

United States Senate
COMMITTEE ON
LABOR AND PUBLIC WELFARE
WASHINGTON, D.C. 20510

September 10, 1975

The Honorable Philip A. Hart
United States Senate
Washington, D. C. 20510

Dear Phil:

Thank you for sending to the Committee a copy of the study prepared by Dr. Mary A. Cain regarding discrimination against women in physical education and athletic programs.

The Committee will be holding hearings on this issue on September 16 and 18, and I am sure that Dr. Cain's study will be of use to the Committee in this regard. I am, therefore, taking the liberty of forwarding a copy of the study to Senator Claiborne Pell, Chairman of the Subcommittee on Education, for his use and information.

With best wishes,

Sincerely,

Harrison A. Williams, Jr.
Chairman

HAW:lwc

COPY

Commission on the Status of Women • Western Michigan University • Kalamazoo

February 24, 1975

The Hon. Philip A. Hart
United States Senate
Washington, D. C., 20510

Dear Senator Hart:

I enclose a document recently compiled by the Commission on the Status of Women at Western Michigan University, which constituted our testimony before an *ad hoc* Committee on Athletics and Physical Education. It gives a clear picture of the ways in which women are discriminated against in physical education and athletics, and shows the extent of this discrimination. Western, of course, is not an exceptional case. Our situation is illustrative of most universities throughout the country. As you can see from the report, the degree of discrimination is appalling. For example, women athletes receive, *per capita*, 3.4% of the amount spent on each male athlete, and 5.2% of the money spent for each male from the General Fund.

The contents of our testimony have a bearing on the whole issue of women's rights, and on the implementation of Title IX of the Education Amendments of 1972. The Commission believes it would be helpful, and we would be very grateful, if you would enter the document in the Congressional Record. We hope you will consider doing so.

Sincerely,

Mary A. Cain

Mary A. Cain, Professor and
Chairperson, Commission on
the Status of Women

enc.

VIEWPOINT

A Presentation to the
Committee on Athletics and Physical Education
by the Commission on the Status of Women
Western Michigan University

Presented by Dr. Mary Cain and Ms. Mary Frances Fenton
December 12, 1974

On behalf of the Commission on the Status of Women, we would like to thank the Committee for allowing us this time to present a brief status report and a concerned point of view which we hope will aid the Committee in its deliberations and its final recommendations with regard to Title IX of the Education Amendments of 1972. This Act holds that:

> No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any education program or activity receiving Federal financial assistance.

By way of contrast, we invite the Committee to look at the seemingly humorous, yet devastating portrait of the Department of Physical Education for Women on our campus. We call it "Barefoot and Pregnant: How to Keep Women in their Place." The Department is "pregnant" with class overloads, course overloads, administrative overloads, and the emotional overload caused by "second class" status, both as women and as athletes. The Department is "barefoot" when it comes to facility and space, equipment, budget, staff and faculty, and representation in decision-making above the Department level.

Title IX is about to change this profile, for it speaks to specific issues and leaves room for possibility. It speaks to the substance of physical education, rather than to administrative structure, and would let form follow function. While it does not insist upon integration of physical education departments, it does insist upon non-discriminatory staffing and states that men and women can be treated differently only for rational reasons. The Commission believes that the administrative structure of physical education should be the least important aspect of this Committee's deliberations. We hope the Committee will first arrive at a consensus concerning the purpose of physical education and athletics for Western's students. We need a "statement of mission" which speaks to goals for all students, rather than to function by sex.

We encourage logical examination of mythical "reasons" for treating men and women differently, and the recognition that such rationales are rooted in emotion and stereotype, not in logic or fact. Here are a few of the myths which have been used to justify sex discrimination in physical education and athletics programs:

Myth: Women are more likely to be injured in sports. In fact, the injury rate per participant is lower for girls than for boys in both contact and non-contact sports.

Myth: Female bones are more fragile than male bones. In fact, they are *on the average* smaller, not more fragile.

Myth: Females should not play contact sports because they might damage their breasts. In fact, medical and athletic authorities argue that breast protectors could be designed for women, just as protective equipment has been designed for men's organs.

Myth: Women who engage in strenuous athletics develop bulging muscles. In fact, given the same amount of exercise, the development of bulging muscles depends primarily on the amount of male hormone secreted.

A major physiological difference between adult women and men is that men *on the average* are larger and heavier than women. The average woman, on the other hand, is more flexible and has better balance. Women in sports point out that prevalent sports emphasize and reward traits in which men, rather than women, tend to excel.[1]

As decisions may be distorted by myth, they may also be deterred by the pitfalls of subjectivity. We urge the Committee to cast off the myths, to ignore personalities when discussing positions, and to substitute for stereotypes of "Women's Liberation" the Committee's genuine concern for human liberation.

Perhaps the Committee will agree with us that no one knows what men and women are capable of in sports, given equal opportunity. So we should begin to think in terms of experimental activities, interim programs, and research in physical education, with the goal of giving each student a chance to succeed in an environment that nurtures human growth, rather than in one which perpetuates sexual stereotypes.

We offer this premise: What is good for the male athlete is good for the female athlete, and vice versa. If the principle of "a sound mind in a sound body" applies with benefit to men, it applies equally to women.

Inequity is part of Western's history. We wish to stress that persons presently occupying positions of leadership should not bear the blame for discrimination of the past. We believe the appointment of this Committee indicates, in part, the University's willingness to rid itself of past inequities. But the recommendations of this Committee must seek to undo those inequities.

Probably one of the most significant comparisons which can be made between men's and women's programs is that of *Departmental expenditure*. Table I provides comparable budgets, excluding salaries and athletics, for men's and women's physical education, and shows us that Physical Education for Women handles 76% as many undergraduates (in its general education, major, and minor programs) as does Physical Education for Men, but with only 49% as much money.

---

[1] "What Constitutes Equality for Women in Sport?" Project on the Status and Education of Women, Association of American Colleges, 1818 R Street, N.W., Washington, D.C. 20009. April, 1974.

Table I

Budget and Student Enrollment, PEM and PEW

Comparison	PEM	PEW	Percentage: Women to Men
General PE Students, Fall, 1974	2,458	1,427	58%
General PE Requests, Winter, 1975	2,242	1,610	72%
Major and Minor Students	404	855	212%
Estimated Total Undergraduates, 1974-75	5,104	3,892	76%
Departmental Budget, excluding Salaries and Athletics	$24,366.00	$11,202.00	50%
Per Capita Expenditures	$ 9.21	$ 4.54	49%

There is a startling discrepancy between the per capita expenditures for students in the two Departments. With the exclusion of salaries and graduate students, a student in Physical Education for Men has $9.21 in support money, while a student in Physical Education for Women receives only $4.54. We emphasize that these figures exclude total salaries paid by each Department, the number of graduate students, and the cost of graduate assistants, and urge the Committee to compile a comparable table which would include all of these data. We predict that a sizeable disparity in per capita instructional cost will be found between the two Departments.

A similar--and even more shocking--comparison can be made in the realm of expenditures for intercollegiate athletics. Table II reveals that women's

Table II

Total Athletic Budgets and Per Capita Expenditures

Comparisons	Men's	Women's	Percentage: Women to Men
Total Athletic Budget	$736,250.00	$12,500.00	1.7%
Approximate Number of Athletes	400	200	50.0%
Per Capita Expenditures	$ 1,840.63	$ 62.50	3.4%

athletics receives 1.7% of the funds spent for men's athletics. A male athlete has, on the average, $8,840.63 spent for him annually at Western Michigan University, while a female athlete is supported by $62.50 annually.

It may be argued, however, that men's athletics includes the so-called "revenue producing" sports, and that its budget anticipates a variety of revenues in addition to the General Fund Allocation. But if we eliminate all extra revenues and the M. J. Gary Scholarship Fund, as we have done in Table III, each woman still receives only a little more than five percent of what each man receives. The old argument that budgets for men's sports should be greater because men "produce revenue" is obviously deceptive. No matter how we slice the pie, women get only a sliver. (Incidentally, the total revenue anticipated by men's athletics from sources other than the General Fund and the Gary Scholarships is only $233,250, or 31.7% of the 1974-75 men's athletic budget. Men's athletics does not pay for itself.)

Table III

General Fund Allocations and Per Capita Expenditures

Comparisons	Men	Women	Percentage: Women to Men
General Fund Allocation	$478,000.00	$12,500.00	2.6%
Approximate Number of Athletes	400	200	50.0%
Per Capita Expenditures from the General Fund	$ 1,195.00	$ 62.50	5.2%

Varsity teams present other inequities. At present there is no varsity for women; there should be. Men receive physical education credit for participation in twelve varsity sports; so should women. Male athletes receive more than a quarter of a million dollars in financial aid annually; women receive nothing.

The present inequity in athletic scholarships is due in large part to the fact that athletic associations for women have opposed scholarships for female athletes, holding that the scholarship system encourages abuses and works to the detriment of athletes' academic growth. While we acknowledge that abuses may exist in any system, we believe that the stereotype of the "dumb male athlete" is also largely a myth. Male athletes are often adequate to superior students, and have demonstrated their competence in many fields beyond the playing fields. Abuses can be eliminated, but they cannot be used to justify discrimination against women. If the purpose of a University education is to educate both body and mind, athletic scholarships constitute a reasonable reward for special competence, while providing educational opportunity. (The same principle would logically apply to any special talent or competence--to excellence in the arts, for example.) On the other hand, if education of the body is not important, or if scholarships inevitably corrupt, then athletic scholarships should be changed or discontinued. But whatever benefits athletic scholarships provide for men should be offered in like measure for women.

We recommend that female athletes at Western be eligible to receive athletic scholarships on an equitable basis with male students. Since at present women athletes number half of male athletes, PEW should have at its disposal approximately $137,000 in scholarship and financial aid money.

We are aware that our recommendation is at odds with present standards of women's sports associations, and we suggest interim measures to use the money for the benefit of women in some other form, while responsible women and men in college athletics (who can, after all, control their own destinies) insist that discriminatory standards be changed. What is needed is a compromise among athletic associations to produce a nation-wide, inclusive standard for scholarships for men and women. Professional responsibility demands that we insist upon an end to standards which discriminate against women, while we protect men and women students from an unwholesome use of scholarships.

In the matter of facilities, opportunities are not equal. While women have some access to the Gary Center, to its pool, and to the pool in the new Recreation Building, a large part of their practice and game time is spent in Oakland Gym and East Hall. To compare these facilities would bring a smile to the face of anyone who knows Western's campus. East Hall was built in 1903; Oakland Gym, in 1923; the Gary Center, in 1950. Oakland Gym is inferior in seating capacity and acoustics, and has no training facility. During the "prime" practice hours of 3:00 to 6:00 p.m., the better facilities generally go to the men. Women may use these facilities, but not at men's practice times. Remaining practice time, however, is usually so inconvenient that women resign themselves to inferior facilities in order to practice at all. It cannot be said, then, that women have an equal opportunity to use the best facilities on campus. Men still have the first choice. Women have the choice of practicing and playing in a poor facility always, or of practicing in a poor facility and playing for competition on a strange court. For women, the choice is not the same.

Indeed, the whole pattern of the use of athletic facilities at Western constitutes a history of sex discrimination which is typical of college athletics throughout the land. When new facilities have been built, it has been assumed that men would move in--and they did. Women's Physical Education was not consulted during the planning of the new Recreation Building. The locker room facilities in that building are much smaller for women than for men, and, according to a recent female visitor there, the women's toilet facilities are replete with urinals. For several years, Physical Education for Women used a condemned pool in East Hall. We hope the leaks in the roof of Oakland Gym are now mended.

We urge that the Committee investigate provisions for athletic equipment for men and women students. Women use their own tennis racquets, have no back-up equipment, and lack gymnastic material. Women use much of the same equipment for physical education and intercollegiate and intramural sports, while men have separate equipment for each kind of activity.

We should know the per capita expenditures for *uniforms*, and they should be made equitable. At present, women purchase their own shoes, socks, practice clothes, and warm-up clothing. Much of this clothing is provided for men. Women are provided with tank suits for swimming, but men are not.

We understand that a team physician has been appointed to serve both men's and women's teams. The same equality of service and protection should apply to *trainers*, and women have none.

Several important *personnel matters* must be considered. Faculty rank and salary in rank should be compared between Departments, relative to time in rank and demonstrable qualifications. Any inequity should be remedied. Support staff should be equal. Whatever the ultimate structure for physical education and athletics, women should occupy a proportional share of all *managerial and supervisory positions*. Integration of departments will not necessarily produce equality. If responsible roles were to be assigned on the basis of obsolete stereotypes, then Title VII of the Civil Rights Act would be violated, as well as Title IX. Affirmative action, stringently practiced, would guarantee a balance of the sexes in positions of special responsibility.

We ask the Committee to find the number of full-time-equated faculty in each Department, and the number of credit hours they generate in general physical education, major, minor, and graduate programs, coaching, and advising, so that a true comparison of *work loads* can be made. Women coaches presently coah as an overload, while male coaches are paid on a twelve-month basis and have released time for coaching. If all students were to receive academic credit for intercollegiate athletics, faculty load, in terms of credit-hour production, could be reported more accurately. If graduate assistants are given duties which lighten the teaching load for PEM, they should be provided for PEW to the same degree, or dropped from PEM.

The Commission on the Status of Women has advocated that the *Western Herald* provide adequate *sports coverage* of women's athletic events. A glance at any copy of the *Herald* will reveal that the whole area of women's sports has been almost totally ignored by that publication. We understand that PEW now has a new Sports Information Director, and we are glad for that. Note, however, that this is a part-time position, amounting to fifteen hours a week, while men's athletics has a full-time Director of Sports Information. This is not equity!

There are other considerations which the women's commission has not been able to investigate: (1) No University money is spent to recruit women athletes. How much is spent to recruit males? (2) How much is spent for per diem and travel, per capita, for men's teams? (Women presently spend a total of $5,705 for travel annually--which is scarcely enough for one trip to Long Beach.) (3) Is there a training table for any men's team? (4) How much of their own travel and per diem are women and men now providing? (5) What proportion of the Student Activities Fee goes to the athletic budget? Do women pay lower activity fees, since they receive fewer athletic services? (6) Do women have an equitable representation on the Athletic Board? We urge the Committee to advocate a reasonable balance to replace inequities it may discover in any of these areas.

In sum, the recommendations of the Commission on the Status of Women follow, and we urge that the Committee make these recommendations to the President:

A. Institutional Growth and Innovation

1. The Committee should recommend alternative plans of sufficient flexibility to test innovations in physical education and athletics, without great additional expenditures. Coeducational general physical education is working--due to the University's ability to change on the basis of reason and logic. Other possibilities for change should be developed by this Committee to meet University goals.

B. Departmental Budgets

1. Per capita expenditures for men's and women's physical education should be equal. If budgets are combined under one Department, the University should be able to demonstrate that support money per capita is identical for men and women students.

2. To our computations regarding per capita expenditures (Table I) should be added total salaries, number of graduate students, and the cost of graduate assistants.

C. Athletics

1. The budget for men's athletics must be reduced, and/or the budget for women's athletics increased so that the per capita expenditures for each are identical.

2. If it can be demonstrated that the sports in which women participate actually cost less than the sports in which men participate, athletic budgets might feasibly be equitable, rather than equal. But to justify this, the University would have to be able to document the difference in required expenses.

3. It should be remembered, moreover, that women's sports have heretofore been limited by discriminatory practice and unsubstantiated myth, and that the nature of women's sports may reasonably be expected to change. Women's football and ice hockey are not at all inconceivable, nor is men's precision swimming. Men have no monopoly on "expensive" sports. Budgets for men's and women's sports would have to consider which sports might include both sexes, and which might separate the sexes because of differences in size and strength. Budgets should allow for expansion of sports alternatives for both sexes, and Committee members should anticipate the participation of men and women on the same teams.

4. Beginning immediately, women's athletics should carry physical education credit.

5. Athletic scholarships should be available for women in exactly the proportion of money to team members as that which has been enjoyed by men.

6. Interim plans for diversion of scholarship money would be reasonable while positive attempts are made to remove inequities and abuses from national standards. Failing this, the University should withdraw from discriminatory associations, in concert with other institutions.

7. Coaching credit for teaching faculty should be identical for men and women.

8. If the Committee recommends two athletic directors, they should have comparable rank, pay, support staff, and services.

D. Facilities

1. Times and places for practice and for competitive play must be worked out on an equitable basis, either through weekly or semester trades. When sex discrimination ends in Western's athletics, men's teams will be seen practicing in Oakland Gym and East Hall.

2. The next physical education building on campus should consider women's athletics, and the women should move in.

3. A training room should be added to Oakland Gym immediately.

E. Equipment

1. The Committee should study the resources allocated for athletic equipment for men and women, and arrive at equitable per capita expenditures. Equity might be accomplished by giving more money to women's physical education and athletics, or by changing policy to make more efficient use of equipment.

F. Uniforms

1. Whatever is furnished for one sex should be furnished for the other.

2. In general, athletic shoes, practice uniforms, warm-up clothing, and tank suits should be provided for all men's and women's teams.

G. Physicians and Trainers

1. Women should immediately be provided with trainers in a comparable ratio, trainers-to-students, as men now have.

H. Personnel

1. A study of salary and rank in each Department, compared as to qualifications and length of time in rank, should assure equity in ranks and salaries.

2. No organization of athletics and physical education should be adopted without specific affirmative action provision--including training programs and outside hiring--for an equal representation of women in management and supervisory positions.

3. The Committee should examine, compare, and equate work loads for men's and women's athletics and physical education.

4. Graduate assistants should be provided in the same ratio to each Department.

5. Employment conditions which prevail for coaches, teacher-coaches, and teachers should apply to both sexes.

I. Sports Coverage

1. An initial attempt to provide adequate sports coverage for women's athletics is to be commended. However, only equal sports coverage is within the law.

J. Recruitment, Per Diem, Travel, and Athletic Fees

1. Women should have a comparable allotment for recruiting, or recruiting should be discontinued. (Where women's athletic associations oppose recruiting, steps like those discussed relative to scholarships should be taken.)

2. Per diem and travel allowances should be the same for men's and women's teams.

3. Until women's athletics receives the same per capita support as men's athletics, women students should be exempt from any portion of student activity fees delegated to athletics.

K. University Accountability

1. The University should publish its own account of this Committee's study, prefaced by a statement of goals, revealing inequities, and outlining the steps it suggests to bring about equity for men and women.

2. Elimination of sex discrimination should not be contingent upon legislative appropriation. Discrimination by sex is against the law, and must end, whether through reduction of men's allocations or by re-allocation of other money. Provision of equity within the budget is part of the difficult problem of this Committee.

We return to our premise: what's good for men is good for women. The important task of this Committee is to set the stage for overcoming inequity. The Committee's recommendations can be an exciting challenge, providing leadership for the implementation of Title IX. The alternative is a passive and cautious role, which waits for the leadership of others--while students bear the brunt of discrimination. Neither way will be easy, but it seems to us that the former is far more satisfying. The Committee has spent many hours in study and debate. Innovative and equitable recommendations would earn it the gratitude of the University Community.

We hope Western will provide a model for affirmation of the letter and spirit of the law by developing and recommending a plan for athletics and physical education which recognizes, in monetary allocations, that women have the right to equal educational opportunity, while it encourages innovation to reach goals of value for all students.

We congratulate the Committee on the hard work it has done so far, and wish it well in the difficult tasks ahead. We look forward to your recommendations. Thank you once again for allowing us this time.

HARRISON A. WILLIAMS, JR., N.J., CHAIRMAN
JENNINGS RANDOLPH, W. VA.
CLAIBORNE PELL, R.I.
EDWARD M. KENNEDY, MASS.
GAYLORD NELSON, WIS.
WALTER F. MONDALE, MINN.
THOMAS F. EAGLETON, MO.
ALAN CRANSTON, CALIF.
WILLIAM D. HATHAWAY, MAINE
JOHN A. DURKIN, N.H.
JACOB K. JAVITS, N.Y.
RICHARD S. SCHWEIKER, PA.
ROBERT TAFT, JR., OHIO
J. GLENN BEALL, JR., MD.
ROBERT T. STAFFORD, VT.
PAUL LAXALT, NEV.

DONALD ELISBURG, GENERAL COUNSEL
MARJORIE M. WHITTAKER, CHIEF CLERK

United States Senate
COMMITTEE ON
LABOR AND PUBLIC WELFARE
WASHINGTON, D.C. 20510

January 20, 1976

The Honorable Harry F. Byrd, Jr.
United States Senate
Room 417
Washington, D.C. 20510

Dear Senator Byrd:

Thank you for your letter enclosing a copy of Dr. Eeilman's letter regarding S. 2146, a bill which would amend Title IX of the Education Amendments of 1972 with respect to athletics, courses of instruction, testing procedures and other matters.

I appreciate learning of his interest in this bill, and am taking the liberty of forwarding a copy of this correspondence to Senator Claiborne Pell, Chairman of the Subcommittee on Education.

With best wishes,

Sincerely,

Harrison A. Williams, Jr.
Chairman

HAW: lwjd

cc: Senator Pell

COPY

HARRY F. BYRD, JR.
VIRGINIA

United States Senate
WASHINGTON, D.C. 20510

SENATOR
WILLIAMS N.J.
NOV 22 10 00 AM '75

November 18, 1975 s

My dear Mr. Chairman:

I have recently received a communication from Doctor E. Bruce Heilman, president of the University of Richmond. Doctor Heilman is a distinguished and able educator in the Commonwealth of Virginia.

Doctor Heilman has expressed great interest in seeing positive action by your Committee on S. 2146, the Equal Educational Opportunity Amendments of 1975. I hope that you should be able to comply with Doctor Heilman's request during the 94th Congress.

With best wishes, I am

Sincerely,

Harry F. Byrd

The Honorable Harrison A. Williams, Jr.
Chairman, Senate Committee on Labor and
Public Welfare
4230 Dirksen Senate Office Building

UNIVERSITY OF RICHMOND
UNIVERSITY OF RICHMOND, VIRGINIA 23173
OFFICE OF THE PRESIDENT

November 11, 1975

The Honorable Harry F. Byrd, Jr.
United States Senate
Washington, DC

Dear Harry:

As you are aware, many of the nation's colleges and universities have been quite concerned about the ramifications of Title IX of the Education Amendments of 1972. Related to this, Senator Jesse Helms of North Carolina has introduced the Equal Educational Opportunity amendments of 1975—Senate Bill 2146, reported in the Congressional Record of July 21, 1976—which seek to amend several sections of Title IX of the Education Amendments of 1972. (Also see Senator Helms' memorandum published in the Congressional Record of July 8, 1975, in support of a resolution to disapprove HEW Title IX regulations.)

Currently this bill is being studied by the Senate Committee on Labor and Public Welfare, and I want to express to you my hope that you will do whatever you can to have this bill reported out by that Committee. I do not have any direct contacts on that Committee to whom I might direct my comments, so I encourage you to use whatever influence you have with the members of the Committee to see that the Bill is brought to the floor.

Thank you for whatever you are able to do for us on this.

Cordially yours,

Bruce

E. Bruce Heilman

EBH:crm

CC: Senator Jesse Helms
Dr. Lewis Nobles

August 29, 1975

Mr. Richard D. Parsons
Associate Director
Domestic Council
234 Old Executive Office Building
Washington, D. C.

Dear Mr. Parsons:

In our telegram on Friday we added, to our initial proposed interpretation of the Title IX regulations as they relate to athletic scholarships, the provision that, although schools would be able to delete scholarships in revenue-producing sports from the count, they could not delete more than half of their total scholarships from the count.

Applying this to the problem example you used, that of a school eliminating all but men's basketball and football revenue-producing scholarships (and thus effectively excluding women from scholarship opportunities), the results would be as follows:

Maximum in revenue-producing category (NCAA limits of 95 football and 15 basketball have been enacted, effective fall 1977)	110
Maximum revenue exclusion (50%)	55
Number to be distributed between sexes on proportionate basis	55

The school in question could then either:

1. Offer 55 scholarships for football and basketball and distribute 55 proportionately between men and women in non-revenue sports

2. Offer 55 plus the men's proportion of the balance to football and basketball and the women's proportion of the balance to women

3. Increase the total number of scholarships offered to "protect" the revenue-producing sport while still complying with the percentage restrictions.

Applying this approach to the Penn State situation, the figures we presented in our initial proposal would be unchanged. The approach would do little to alter the potential in most of the institutions who have made genuine efforts to move forward on this matter. It would, however, completely block the problem cases you mentioned.

In actual practice, this new provision would assure the women of opportunity and give reasonable considerations to the revenue earning capacity which must be maintained to offer any student - male or female - increased opportunity. It would obviously satisfy neither of the extreme views on the issue, but would result in a much larger satisfied consensus group than any of the alternatives we have considered. We have tried this formula on a large number of different types of situations. In all cases it seems to assure that the women will not be "closed out", yet allows reasonable protection for the logical need to invest more heavily in the revenue-producing sports. In practice, it would encourage a school to offer as much opportunity as possible for athletic scholarships for both men and women in non-revenue sports (which we both seem to feel is a desirable educational goal) if only to protect the revenue sports.

Finally, we believe that this interpretation would be consistent with the regulations as written. In our paper we argue that the polar positions on this issue of revenue protection are both inconsistent with the best interests of the students. Our interpretation, as modified, would go a long way toward the outcome we all seem to be seeking. It would reasonably protect the revenue sports while assuring that, if an institution offers such scholarships, women will have a reasonable opportunity to receive an athletic scholarship.

Again, thank you for your time and consideration.

Sincerely,

Robert J. Scannell
Dean

RJS:bjl

cc: Senator Hugh Scott
Senator Richard Schweiker
Dr. John Oswald

bcc: Jerold Roschwalb
Steve Wexler
R. E. Larson
N. Cattell

HARRISON A. WILLIAMS, JR., N.J., CHAIRMAN

JENNINGS RANDOLPH, W. VA.
CLAIBORNE PELL, R.I.
EDWARD M. KENNEDY, MASS.
GAYLORD NELSON, WIS.
WALTER F. MONDALE, MINN.
THOMAS F. EAGLETON, MO.
ALAN CRANSTON, CALIF.
WILLIAM D. HATHAWAY, MAINE

JACOB K. JAVITS, N.Y.
RICHARD S. SCHWEIKER, PA.
ROBERT TAFT, JR., OHIO
J. GLENN BEALL, JR., MD.
ROBERT T. STAFFORD, VT.
PAUL LAXALT, NEV.

DONALD ELISBURG, GENERAL COUNSEL
MARJORIE M. WHITTAKER, CHIEF CLERK

United States Senate
COMMITTEE ON
LABOR AND PUBLIC WELFARE
WASHINGTON, D.C. 20510

LPW

WILLIA SEP 19 11 00

September 16, 1975

Mr. Edward J. Bloustein
President
Rutgers University
New Brunswick, New Jersey 08903

Dear Mr. Bloustein:

Thank you for your recent letter in which you stated your opposition to S. 2106, the Tower bill, on which hearings were held this morning, September 16, and will be held on Thursday, September 18.

I regret that you interpreted our hearing schedule as one which did not invite "broad representation by the institutions affected." The hearings were set up so that oral testimony would be limited to the Tower bill and the athletic implications therof. However, comments and statements on the broader implications of the bill were invited. This was accomplished by a statement in the Congressional Record, but, even more important, by my staff contacting the Washington representatives of the various higher education lobbying organizations, which were invited to testify at the hearings. The organizations declined, and I must assume that they speak for their membership. Therefore, I think that you can see that we are not limiting testimony; indeed, I will have your statement, as well as others, printed in the hearing record.

Again, thank you for writing.

Ever sincerely,

Claiborne Pell

Claiborne Pell
Chairman
Subcommittee on Education

cc: Honorable Harrison A. Williams, Jr.

SENATE COMMITTEE ON LABOR AND PUBLIC WELFARE
RECEIVED
SEP 19 1975

HARRISON A. WILLIAMS, JR., N.J., CHAIRMAN
JENNINGS RANDOLPH, W. VA.
CLAIBORNE PELL, R.I.
EDWARD M. KENNEDY, MASS.
GAYLORD NELSON, WIS.
WALTER F. MONDALE, MINN.
THOMAS F. EAGLETON, MO.
ALAN CRANSTON, CALIF.
WILLIAM D. HATHAWAY, MAINE
JOHN A. DURKIN, N.H.
JACOB K. JAVITS, N.Y.
RICHARD S. SCHWEIKER, PA.
ROBERT TAFT, JR., OHIO
J. GLENN BEALL, JR., MD.
ROBERT T. STAFFORD, VT.
PAUL LAXALT, NEV.
DONALD ELISBURG, GENERAL COUNSEL
MARJORIE M. WHITTAKER, CHIEF CLERK

United States Senate
COMMITTEE ON
LABOR AND PUBLIC WELFARE
WASHINGTON, D.C. 20510

October 3, 1975

Mr. Edward J. Bloustein, President
Rutgers University
The State University of New Jersey
Office of the President
New Brunswick, New Jersey 08903

Dear Ed:

I appreciate receiving your letter and comments regarding S. 2106, which seeks to amend Title IX with regard to "revenue-producing" sports, and am pleased to learn that Rutgers has taken a formal position in opposition to this legislation. Your comments are on point with regard to ambiguity of the language of the bill, and it would seem to me impossible to implement this legislation without forcing each and every college and university in the country to adopt a uniform accounting system.

The hearings on S. 2106 documented the undesirability of adopting this approach because of its ambiguity and particularly because of the massive damage it would inflict on the spirit and scope of Title IX.

With regard to your comments about the scheduling of the hearings, as I believe Senator Pell related to you, all of the Washington higher education association offices were contacted concerning the possibility of presenting testimony and all declined. While I understand that there were initially concerns about those who would testify, it was extremely important at this juncture to limit testimony to the Tower bill and the coverage of athletics. The hearings included representatives of the NCAA, students, the AIAW, the Administration, and individual institutions. I believe that the testimony was effective and presented the views, pro and con, of those most directly affected by the Tower bill.

COPY

Edward J. Bloustein
Page Two
October 3, 1975

Again, let me thank you for your helpful comments on this legislation, and I am sure that the formal positions of Rutgers will be extremely valuable to the Committee in any future questions which are raised on the issue of Title IX implementation.

With best wishes,

Sincerely,

Harrison A. Williams, Jr.
Chairman

HAW: lwjd
bcc. Ed [illegible]

COPY

AMERICAN BAR ASSOCIATION

SECRETARY
Herbert D. Sledd
300-308 W. Short Street
Lexington, KY 40507

1155 EAST 60TH ST. CHICAGO ILLINOIS 60637 TELEPHONE (312) 947-4016

September 15, 1975

Honorable Harrison A. Williams
Chairman, Committee on Labor and
Public Welfare
United States Senate
Washington, D. C. 20510

RE: Equal Educational
Opportunity - #131C

Dear Mr. Chairman:

At the meeting of the House of Delegates of the American Bar Association held August 11-13, 1975 the attached resolution was adopted upon recommendation of the Section of Individual Rights & Responsibilities.

This resolution is being transmitted for your information and whatever action you may deem appropriate. If hearings are scheduled on the subject of this resolution, we would appreciate your advising Herbert E. Hoffman, Director of the American Bar Association Governmental Relations Office, 1800 M Street, N.W., Washington, D.C. 20036 (202) 331-2210.

Please do not hesitate to let us know if you need any further information or have any questions, or whether we can be of any assistance.

Sincerely yours,

Herbert D. Sledd

Herbert D. Sledd

HDS/jfr
Attachment

cc: Robert J. Kutak, Esquire
Herbert E. Hoffman, Esquire

SENATE COMMITTEE ON
LABOR AND PUBLIC WELFARE
RECEIVED
SEP 18 1975

SEP 18 11 05 AM '75
SENATOR
WILLIAMS N.J.

AMERICAN BAR ASSOCIATION - HOUSE OF DELEGATES

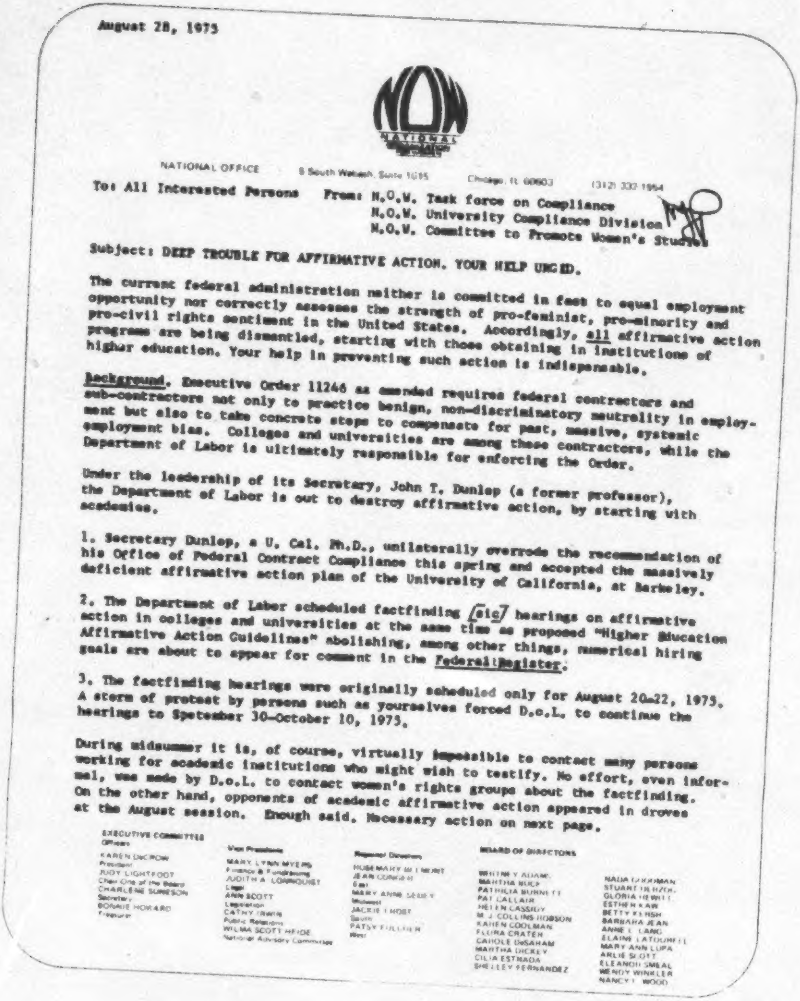
SECTION OF INDIVIDUAL RIGHTS & RESPONSIBILITIES

RESOLUTION 131C

August, 1975

BE IT RESOLVED, That the American Bar Association urges the prompt, vigorous, and effective implementation and enforcement of Title IX of the Education Amendments Act of 1972, which promotes equal educational opportunity without regard to sex, to the full extent of the powers granted in the statute.

BE IT FURTHER RESOLVED, That the President or his designee is authorized to present the substance of the foregoing resolution to appropriate committees of Congress and appropriate offices of the Executive Branch.



August 28, 1975

NATIONAL OFFICE 5 South Wabash, Suite 1615 Chicago, IL 60603 (312) 332-1954

To: All Interested Persons From: N.O.W. Task force on Compliance
N.O.W. University Compliance Division
N.O.W. Committee to Promote Women's Studies

Subject: DEEP TROUBLE FOR AFFIRMATIVE ACTION. YOUR HELP URGED.

The current federal administration neither is committed in fact to equal employment opportunity nor correctly assesses the strength of pro-feminist, pro-minority and pro-civil rights sentiment in the United States. Accordingly, all affirmative action programs are being dismantled, starting with those obtaining in institutions of higher education. Your help in preventing such action is indispensable.

Background. Executive Order 11246 as amended requires federal contractors and sub-contractors not only to practice benign, non-discriminatory neutrality in employment but also to take concrete steps to compensate for past, massive, systemic employment bias. Colleges and universities are among these contractors, while the Department of Labor is ultimately responsible for enforcing the Order.

Under the leadership of its Secretary, John T. Dunlop (a former professor), the Department of Labor is out to destroy affirmative action, by starting with academies.

1. Secretary Dunlop, a U. Cal. Ph.D., unilaterally overrode the recommendation of his Office of Federal Contract Compliance this spring and accepted the massively deficient affirmative action plan of the University of California, at Berkeley.

2. The Department of Labor scheduled factfinding [sic] hearings on affirmative action in colleges and universities at the same time as proposed "Higher Education Affirmative Action Guidelines" abolishing, among other things, numerical hiring goals are about to appear for comment in the Federal Register.

3. The factfinding hearings were originally scheduled only for August 20-22, 1975. A storm of protest by persons such as yourselves forced D.o.L. to continue the hearings to Spetember 30-October 10, 1975.

During midsummer it is, of course, virtually impossible to contact many persons working for academic institutions who might wish to testify. No effort, even informal, was made by D.o.L. to contact women's rights groups about the factfinding. On the other hand, opponents of academic affirmative action appeared in droves at the August session. Enough said. Necessary action on next page.

EXECUTIVE COMMITTEE
Officers
KAREN DeCROW
President
JUDY LIGHTFOOT
Chair One of the Board
CHARLENE SUNESON
Secretary
BONNIE HOWARD
Treasurer

Vice Presidents
MARY LYNN MYERS
Finance & Fundraising
JUDITH A. LONNQUIST
Legal
ANN SCOTT
Legislation
CATHY IRWIN
Public Relations
WILMA SCOTT HEIDE
National Advisory Committee

Regional Directors
ROSEMARY DILLMONT
JEAN CONGER
East
MARY ANNE SEDEY
Midwest
JACKIE FROST
South
PATSY FULCHER
West

BOARD OF DIRECTORS
WHITNEY ADAMS
MARTHA BUCK
PATRICIA BURNETT
PAT CALLAIR
HELEN CASSIDY
M. J. COLLINS ROBSON
KAREN COOLMAN
FLORA CRATER
CAROLE DeSARAM
MARTHA DICKEY
CILIA ESTRADA
SHELLEY FERNANDEZ
NADA GOODMAN
STUART HERZOG
GLORIA HEWITT
ESTHER KAW
BETTY KERSH
BARBARA JEAN
ANNE L. LANG
ELAINE LATOURELL
MARY ANN LUPA
ARLIE SCOTT
ELEANOR SMEAL
WENDY WINKLER
NANCY I. WOOD

ACTIONS

1. D. o. L. must be inundated with testimony, given in person or submitted in writing, favorable to academic affirmative action. Please see the enclosed page of the Federal Register for particulars.

2. The President, members of Congress and the Secretary of Labor must be flooded with mail favoring affirmative action in general and affirmative action for colleges and universities in particular.

3. A cap and gown procession in favor of affirmative action in the nation's post-secondary educational institutions is scheduled by N.O.W. for the opening day of the continued hearings, September 30, 1975. All interested persons are invited to participate. Please see enclosed information sheet.

The Graduate School and University Center
of the City University of New York

Ph D. Program in Philosophy
Graduate Center 33 West 42 Street, New York N.Y. 10036
212 790-4246

August 28, 1975

Dear Friend of Affirmative Action:

Affirmative action in universities is in danger.

The Department of Labor has scheduled hearings on affirmative action in higher education for September 30-October 10, 1975. It is urgent that you attend the hearings in Washington and that you testify. Instructions for the submittal of testimony are contained in the photocopy of the relevant page from the Federal Register.

In addition, it is urgent that you write to Secretary of Labor, John T. Dunlop, requesting that he directly invite women's and minority groups to the hearings scheduled for late September/early October.

Gertrude Ezorsky

Professor Gertrude Ezorsky
Co-ordinator, Committee for Affirmative
Action in Universities

DEPARTMENT OF LABOR

Office of Federal Contract Compliance

EMPLOYMENT BY INSTITUTIONS OF HIGHER EDUCATION AND PRIME CONTRACTORS OR SUBCONTRACTORS UNDER FEDERAL NONCONSTRUCTION CONTRACTS

Request for Information and Notice of Fact-Finding Hearing

Pursuant to Section 202 of Executive Order 11246 (30 FR 12319), as amended by Executive Order 11375 (32 FR 14303), institutions of undergraduate, graduate, professional and vocational education performing as prime contractors or subcontractors under federal nonconstruction contracts are prohibited from discriminating against any employee or applicant for employment because of race, color, religion, sex or national origin and are required to take affirmative action to insure that applicants are employed, and that employees are treated during employment, without regard to the aforementioned factors.

The Executive Order's affirmative action requirement is intended to ensure prompt achievement of full and equal employment opportunity through the establishment of specific and results-oriented procedures. In order to implement this objective in nonconstruction employment, including employment by institutions of higher education, such as colleges and universities, the Department of Labor has promulgated various regulations set forth in 41 CFR Part 60–1 et seq. The Department of Labor's principal regulations for effectuating the nondiscrimination and affirmative action mandate of Executive Order 11246, as amended, as applied to nonconstruction contractors, including colleges and universities, is known as "Revised Order No. 4," 41 CFR Part 60–2, which requires prime contractors and subcontractors with 50 or more employees and a contract of $50,000 or more to develop a written affirmative action program for each of their establishments.

Equal employment opportunity matters at institutions of higher education are subjects of strong concerns and views by the Government, the institutions themselves, and various other persons, organizations and agencies. For example, the Twelfth Plenary Session of the Administrative Conference of the United States, held June 5–6, 1975, considered a study of the application of the Department of Labor's nonconstruction regulations to university faculty employment practices and recommended, in part, that the Department of Labor, in consultation with the compliance agencies, "should promptly commence a review of the contract compliance program applicable to nonconstruction contractors to determine whether regulations more closely adapted to the characteristics of specific occupations or industries are required, considering especially (1) variations in the susceptibility of types of employment to uniform or quantifiable methods of evaluating and predicting performance and (2) variations in policies of recruitment and advancement and in other personnel practices." (40 FR 27926, July 2, 1975).

The Department of Labor welcomes views and suggestions regarding its implementation of Executive Order 11246, as amended, and reviews and evaluates its policies, practices and procedures thereunder on an ongoing basis in order to maximize full and equal employment opportunity. Accordingly, notice is hereby given that the Department of Labor is requesting information concerning implementation of the affirmative action requirement of the Executive Order as applied to employment at institutions of higher education. Relevant information would include but not necessarily be limited to: (1) methodologies actually used by institutions of higher education in the development of written affirmative action programs under existing Department of Labor regulations and policies; (2) any special problems encountered by such institutions in developing and implementing such methodologies; (3) matters concerning availability data on qualified minorities and women for employment at institutions of higher education; (4) the special circumstances, if any, in higher education which might suggest alternative affirmative action approaches and the nature of such approaches; (5) the detail and adequacy of pertinent statistical data; and (6) other information relevant to achieving positive, results-oriented equal employment opportunities for minorities and women in employment at institutions of higher education consistent with the nondiscrimination and affirmative action requirements of the Executive Order.

Such information may be submitted either in writing or at an informal fact-finding hearing to be held pursuant to Section 208 of E.O. 11246, as amended, and commencing on Wednesday, August 20, 1975 in the First Floor Auditorium, New U.S. Department of Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. Beginning at 9:30 a.m. on August 20, 1975, the presiding Administrative Law Judge will hold a prehearing conference in order to establish the order and time for the presentation, and in order to settle any other matters relating to the proceedings. All persons intending to make presentations should attend the pre-hearing conference which is open to the public. The public hearing will immediately follow the pre-hearing conference. Participants in the hearing will include representatives of the Office of Federal Contract Compliance and the Office of the Solicitor of Labor.

Persons desiring to appear at the hearing must file a written notice of intention to appear along with four duplicate copies with Philip J. Davis, Director, Office of Federal Contract Compliance, New U.S. Department of Labor Building, Room N–3402, 200 Constitution Avenue, NW., Washington, D.C. 20210.

If possible, notices should be filed before Wednesday, August 13, in order to facilitate scheduling the appearances.

The notice should state the name and address of the person wishing to appear, the capacity in which he or she will appear, and the approximate amount of time required for the presentation. The notice should also include, or be accompanied by, a brief statement of the presentation to be made.

The oral proceedings shall be reported verbatim. The use of prepared statements by witnesses is encouraged. An original and four copies of all documents to be used should be submitted at the hearing.

Persons who wish to submit information but who do not wish to attend the hearing may mail such written information, along with four duplicate copies to Mr. Davis at the above address by August 20, 1975. Such information will be submitted to the Administrative Law Judge for inclusion in the hearing record.

The Administrative Law Judge shall have all the powers necessary or appropriate to conduct a fair and full informal hearing, including the powers:

(a) To regulate the course of the hearing;

(b) To dispose of procedural requests, objections, and comparable matters;

(c) To confine the presentations to matters pertinent to the requested information;

(d) To regulate the conduct of those present at the hearing by appropriate means;

(e) In his discretion, to question and permit questioning of any witness; and

(f) In his discretion, to keep the record open for a reasonable stated time to receive written information from any person who has participated in the oral proceeding.

Following the close of the hearing, the presiding Administrative Law Judge shall certify the record thereof to the Secretary of Labor.

Signed at Washington, D.C. this 15th day of July, 1975.

JOHN T. DUNLOP,
Secretary of Labor.

BERNARD E. DELURY,
Assistant Secretary for Employment Standards.

PHILIP J. DAVIS,
Director, Office of Federal Contract Compliance.

[FR Doc.75-18796 Filed 7-16-75;11:42 am]

August 28, 1975

NATIONAL OFFICE 5 South Wabash, Suite 1615 Chicago, IL 60603 (312) 332 1954

ACADEMIC PROCESSION FOR AFFIRMATIVE ACTION

N.O.W. has scheduled a cap and gown procession in favor of affirmative action for September 30, 1975, noon - two P.M. in front of Department of Labor Headquarters, 200 Constitution Ave., Washington D.C.

All interested persons are invited to participate.

If your institution is at some distance from Washington, you may wish to pass the hat in order to send representatives. Please bring a sign identifying your college or university. If you do not have a cap and gown (suggested but not required) N.O.W. will arrange for the rental, pick-up and return of these articles.

Finally, N.O.W. invites your contribution to defray the cost of staging the cap and gown parade. Please indicate your participation--with warm body, dollars, or both--by returning the enclosed form to Procession Marshall, Sarah Slavin Schramm, 1009 24th St. NW, #102, Washington DC 20037.

Name, Institution and Title:

Mailing Address:

1. I wish to help defray NOW's expenses for the procession. _____
   Amount enclosed _____. Payable to "Sarah Slavin Schramm".

2. I shall participate in the procession. _____.

3. Please rent a cap and gown for me. Enclosed check for $6.85 to "Sarah Slavin Schramm."

Hat Size:___ Shirt Size: (eg. 30.32.34 ...) ---- Height:___. Weight:___

Highest Degree achieved: -______

4. Please rent a doctoral hood for me. Costs additional $6.85.
   Degree:____ School:______________________ Discipline:_______

EXECUTIVE COMMITTEE
Officers
KAREN DeCROW
President
JUDY LIGHTFOOT
Chair One of the Board
CHARLENE SUNESON
Secretary
BONNIE HOWARD
Treasurer

Vice Presidents
MARY LYNN MYERS
Finance & Fundraising
JUDITH A. LONNQUIST
Legal
ANN SCOTT
Legislation
CATHY IRWIN
Public Relations
WILMA SCOTT HEIDE
National Advisory Committee

Regional Directors
ROSEMARY HELMUNT
JEAN CONGER
East
MARY ANN SEDEY
Midwest
JACKIE FROST
South
PATSY FULCHER
West

BOARD OF DIRECTORS
WHITNEY ADAMS
MARTHA BUCK
PATRICIA BURNETT
PAT CALLAIR
HELEN CASSIDY
M. J. COLLINS HOBSON
KAREN COOLMAN
FLORA CRATER
CAROLE DeSARAM
MARTHA DICKEY
CHELA ESTRADA
SHELLEY FERNANDEZ
NADA GOODMAN
STUART HERZOG
GLORIA HEWITT
ESTHER KAW
BETTY KENSH
BARBARA JEAN
ANNE L. LANG
ELAINE LATOURELL
MARY ANN LUPA
ARLIE SCOTT
ELEANOR SMEAL
WENDY WINKLER
NANCY F. WOOD